

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

SEPTEMBER 17, 2001

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, September 17, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Vice-Chair
Gary Priebe
Kelly Tobin
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Lisa Davis Cook – Called to say she would be unable to attend due to personal reasons.

ADOPTION OF AGENDA

Motion was made by Lori Glanzman to approve the agenda as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by James Braun to approve the minutes of the August 20, 2001 meeting as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Director Jeffrey Vonk said he is continuing to work on departmental reorganization. The issues around State budget are continuing to worsen and he expects further adjustments in the current fiscal year budget. Because of this the reorganization team continues to focus on streamlining, consolidating and decentralizing the Department. He said his goal is to get more employees located closer to the people served.

NOTICE OF INTENDED ACTION – CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Director requests the Commission to give notice of intended action for the enclosed amendments to Chapter 134. The rule amendments update the rules. The amendments came before the commission as an informational item at the August 20, 2001 meeting

Rules specific to the transition from registration to certification of groundwater professionals are being removed. Also, professional engineers will be required to take the RBCA course of instruction prior to receiving certification. During the transition to certification they were allowed to take the course during the first year of certification. In addition, language is being added to clarify continuing education requirements and to require anyone who fails the certification examination a second time to retake the RBCA course.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen described the proposed rule changes to the Commission. She said the public hearing for this item is scheduled for November 6, at 1:00 in the 5th floor conference room of the Wallace Building.

Motion was made by Gary Priebe to approve the Notice of Intended Action as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Director requests the Commission to give notice of intended action for the enclosed amendments to Chapter 135. The rule amendments incorporate the changes made by 2001 Iowa Acts, House File 636, sections (1) and (2) and made effective July 1, 2001. The amendments came before the commission as an informational item at the August 20, 2001 meeting

House File 636 made it unlawful for a person to deposit a regulated substance in an underground storage tank after being notified by the department the tank is not covered by an approved form of financial responsibility such as insurance. The \$25 additional registration fee for failing to register a tank increased to \$250 and now applies for failure to obtain annual tank tags. Tank installers and owners or operators are now required to notify the department prior to installing an underground storage tank. These changes are being incorporated into the rules.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen said currently a person is not required to report an unregistered tank to the department or provide the owner operator with a tank registration form, however it is still illegal to deposit a regulated substance into a tank that is unregistered or untagged. She said one of the other major changes is that the person who installs an underground storage tank will be required to notify the Department in writing with that intent as well as the owner.

Rita Venner asked if the tank is already installed and has a controlled substance in it without being register, would paying the registration fee make it legal.

Jim Humeston said there would typically be a fine involved with that type of a violation. He said this is compliance mechanism for the Department because when tank tags are issued the staff reviews the records to ensure that the tank owner has the financial responsibility to pay for cleanup and assessment if there is a release.

Gary Priebe asked if the Department was requiring both the installer and the owner operator to submit notification.

Jim Humeston said they are requiring both as a fail-safe mechanism to ensure notification.

Motion was made by Kelly Tobin to approve the Notice of Intended Action as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 119, WASTE OIL – CHAPTER 144, HOUSEHOLD HAZARDOUS MATERIALS – CHAPTER 210, GRANTS FOR SOLID WASTE PLANNING - CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTE - CHAPTER 212, LOANS FOR WASTE REDUCTION AND RECYCLING PROJECTS – CHAPTER 214, HOUSEHOLD HAZARDOUS MATERIALS PROGRAM

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve this Notice of Intended Action to begin the formal rule making process on the attached proposed rules. In response to the need to modify existing administrative rules and the Governor's Executive Order 8, the following brief and attachment are presented.

The Department's stakeholders reviewed existing rules and provided comments on assessment forms as part of the Department's rules revision process during the Fall of 2000. Proposed rule

changes were developed and presented at a meeting of stakeholders in July, 2001 with little comment from meeting participants.

The following paragraphs provide a brief narrative of changes to existing rules by chapter.

Chapter 119 – Waste Oil

- Amended Division references to current Division name.
- Replaced old household hazardous material program symbol with new symbol.

Chapter 144 – Household Hazardous Materials

- Deleted all requirements pertaining to retailers that sell household hazardous materials place a label on shelves containing household hazardous materials. This requirement was deleted from Iowa Code 455F in 1998.
- Replaced old household hazardous material program symbol with new symbol.

Chapter 210 – Grants for Solid Waste Planning

- Deleted chapter in its entirety. Statutory authority repealed in 1987.

Chapter 211 – Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Waste

- Added new section 211.12 dealing with disposal funding assistance. Adding this section incorporates all regional collection center funding into one chapter. This section was moved from Chapter 214.11 and clarified.
- Replaced all references to Chapter 214.11 with 211.12.

Chapter 212 – Loans for Waste Reduction and Recycling Projects

- Deleted chapter in its entirety. Statutory authority repealed in 1995.

Chapter 214 – Household Hazardous Materials Program

- Amended division name to current name.
- Deleted 214.11. This section is being modified and added to Chapter 211 as new 211.12. This will place all funding assistance for regional collection centers in Chapter 211.
- Added “unless otherwise designated by the Department” in reference to soliciting proposals for education grants and toxic cleanup day events two times each year. This is necessary due to budgetary uncertainties and improved stakeholder responsiveness.

The attachment provides each administrative rule included in this Notice of Intended Action complete with strikethroughs and underlines.

At this time, the Commission is requested to approve this Notice of Intend Action for Iowa Administrative Code Chapters 119, 144, 210, 211, 212, and 214.

(A copy of the Notices of Intended Action are available in the Department’s Record Center.)

Liz Christiansen said this Notice of Intended Action is in response to the Governor’s executive order number 8, requiring a review and update of all administrative rules. She said they met with a group of stakeholders and received limited comments from them. She said the hearing for this rule change had not yet been scheduled but would likely be in the beginning of November.

Kelly Tobin asked if the new signs were in the process of being made.

Liz Christiansen said the signs would not be changed until the rules were formally adopted.

Kathryn Murphy asked what the deadline would be for the written suggestions.

Liz Christiansen said she would check on it and let the Commission know later in the meeting.

Motion was made by James Braun to approve the Notice of Intended Action as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTERS 1, OPERATION OF ENVIRONMENTAL PROTECTION COMMISSION; CHAPTER 9, DELEGATION OF CONSTRUCTION PERMIT AUTHORITY; CHAPTER 11, TAX CERTIFICATION OF POLLUTION CONTROL OR RECYCLING PROPERTY

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached draft Notice of Intended Action to amend 567 Chapters 1, 9, and 11 Iowa Administrative Code. The attached Notice contains minor amendments that are the result of the department-wide rules assessment process under Executive Order 8.

One of the purposes of this rule-making action is to change the quorum voting requirements. Currently, a quorum is a majority of the Environmental Protection Commission, and a vote for an action requires a majority of the Commission's concurrence. To avoid delays and to save time and money, the proposed change will allow an action decided by a majority of the Commissioners present.

(A copy of the Notice of Intended Action is available in the Departments Record Center.)

Mike Valde said this rule change was in response to the Governor's Executive Order #8. The only substantial change being made is to change the rules to state that the majority of a quorum could take action on items. He said the code provides that the Commission has the option of doing it either way.

Chairperson Terry Townsend asked the Commission if they were comfortable with three of the nine commissioners making decisions.

Gary Priebe said he didn't think that they were appointed to the Commission for three people to make decisions.

Brief discussion followed.

Motion was made by Gary Priebe to remove Item 2 from the Notice of Intended Action. Seconded by Darrell Hanson. Motion carried unanimously

ITEM 2 REMOVED

Motion was made by Kathryn Murphy to approve the Notice of Intended Action as amended. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS AMENDED**PUBLIC COMMENT**

Rosie Partridge, member of Iowa Citizens for Community Improvement (Iowa CCI), from rural Wall Lake, Sac County, Iowa said she was attending this meeting because she loves Iowa and all of its rich resources, the soils, which are among the richest in the world, rivers, streams, and lakes. She said she grew up on a family farm in Southeast Iowa and learned to love and respect the land and it both hurts and makes her angry to see these rich resources misused and polluted. She assumed that the Commissioners of the Environmental Protection Commission would share those same types of feelings with her. She believes the Commission has the authority and the responsibility to protect and manage those resources. She distributed a handout from Iowa CCI and asked the Commissioners to refer to a yellow sheet of paper in the packet which is a copy of a letter that had been issued by Larry Wilson, then Director of the Department of Natural Resources, dated February 10, 1989. The letter was with regard to the matter of Premium Standard Farms, who had proposed to build a large hog facility near Ledges State Park. In the letter Mr. Wilson refers to Section 455A.2 Code of Iowa, that “charges this agency with primary responsibility for state parks and forest, protecting the environment, and managing energy, fish, wildlife, and land and water resources in this state.” The letter goes on to say, “This general duty requires that decisions of the Department be made in consideration of all programs and responsibilities under their jurisdiction. Application of minimum criteria of one program to the exclusion and detriment of other program responsibilities would be inconsistent with the legislature’s general mandate to this agency, and contrary to the broad public interest and benefit. Where needed to complement and further the performance of other agency responsibilities, we must look beyond the minimum requirements of any individual program.” She said in other words they met the minimum standards as set out by the legislation but it was overruled for the greater benefit. That decision held and that facility was not located there. A few weeks ago in August, Director Vonk attended bus tours and public meetings in Humboldt and Iowa Falls. There were over a hundred and fifty people at each of these meetings. Most of them were farmers and other rural residents, who like us were concerned with what was going on with the proliferation of hog facilities in that area. These are people who support family farms and independent livestock production and they made it very clear at those meetings that they want action on air and water quality issues related to factory farms. Some of the specific issues brought up at these meetings are addressed in a follow up letter to Director Vonk that is also included in the packet, which lists several of the important issues that were brought up in both meetings. She said they need Director Vonk’s response and action on these issues. Because they have been fighting for many years on these issues and it is not going to just go away. In fact it is heating up, meetings that were held this summer other than those attended by Director Vonk were attended by hundreds of people. She said they expect the Department of Natural Resources and the EPC to work with them and use their authority to protect these vital resources. She said

she has people that were at the meetings and are from that area that would like to speak on some of the specific issues.

Louie Fallesen, member of Iowa CCI, from Gilmore City, Iowa in Humboldt County said their first concern is the building of several new hog factory sites in an area that is already saturated with hog factories and happens to be full of natural sinks and ag wells. Humboldt County has the most ag wells and possibly the most natural sinks of any county in the state. The majority of the hog factories are located in this area. He said an ag well is drilled into the sandstone and is used to drain fields. Therefore when you spread manure waste from these hog factories in liquid form, you know where it will end up. He said the area also has natural sinks because of karst limestone, which is at the surface in some areas and very close to the surface in other areas. When you have crack in this limestone it will open up and drain all of the surface water right into the aquifer. He said there are examples right now of wells in the area that have been contaminated. There are high rates fecal coliform in a couple of wells, one well being 180 feet deep and the other being 300 feet deep and less than 10 years old. There are also five or six other people in the area that had to drill new wells due to contamination. Yet they are continuing to build and spread new facilities in this area. In the time since Jeff attended the Humboldt County meeting there has been a fifteen acre plot set out by Gaddels Heartland Pork who has applied for three new building permits and since there is fifteen acres they expect there will be more. Every bit of this animal waste is being spread in these areas. In Humboldt County there are four townships that are most vulnerable because of the limestone being close to the surface, they are Corrant, Weaver, Avery, and Rutland. That also happens to be where all the building is going on. He said if it continues it will affect the aquifer very negatively.

Kelly Tobin asked if they were in the process of closing the ag wells.

Mr. Fallesen said that yes it is in the process and he thinks it is a good thing but it is not going to solve the whole problem. First because there are a lot of them that have not been registered and never will be. Also because it does not address natural sinks. He said if the facilities are allowed to continue to build and spread in these geologically sensitive areas the groundwater contamination will continue to spread.

Brief discussion followed regarding the closure of the ag wells.

Roger Terwilliger, member of the Iowa CCI, said there is a new facility being built a half a mile from him and he is already surrounded by twenty-five of them within a two mile radius. He said there is not only a problem with the water but there are also problems with the air and flies. He said the flies are so bad that if they had not had cabs on their tractors they would not have been able to put in a crop this year. He said the people building these new facilities are under the impression that they can do anything they want, anyway they want it, and any time they want it. He saw them double spread ground last spring but when they have called the DNR they were told they couldn't do anything about it. There is no way to close the natural sink wells because if you try to close them they will open themselves back up. The people spreading the manure spread it as close to the sinkholes as they can drive. He said he wants the DNR to do something

about this before it is too late. He also said he wouldn't be surprised if some of the facilities start getting burnt down.

Louie Fallesen said they feel the DNR has the authority to stop the construction of two new facilities. He asked if they would.

Jeff Vonk asked Mr. Fallesen what authority he thought the DNR had to stop these facilities.

Louie Fallesen said by reading 455B it sounds like they stopped the one by the ledges back in 1989.

Jeff Vonk said the facility in question voluntarily chose not to build.

Mr. Fallesen said after they received the letter from the DNR they chose not to build and asked Mr. Vonk if he would be willing to send a similar letter to Heartland Pork. He said in the Iowa Administrative Code of animal feeding operations it says the anaerobic lagoon or earth manure storage basin will not be located on a site that exhibits karst features such as sinkholes, or solution channeling generally occurring in areas underlain by limestone or dolomite. He asked why people are allowed to spread manure in areas where they are prohibited from building a lagoon since a lagoon is supposed to hold it safely. He said this is really a geographically sensitive area and they need this stopped. There are drinking wells that have already tested high for nitrates and high fecal coliform bacteria right around one of these natural sinks. He said Geddes and Heartland Pork liquid apply this manure and was issued a DNR violation for fan spreading. They have also been applying this liquid manure in huge amounts without an approved manure management plan. He said at a meeting in the Humboldt County courthouse before Heartland Pork came, he brought up the fact to Bruce Rastetter that the area had ag wells and natural sinks which made it a terrible place to be building. He said Mr. Rastetter replied that these facilities were state of the art and they would follow all the legal rules of the State. He said Christiansen facility is moving in out of Kossuth County and are building along areas that will have surface water contamination in the northern part of the county. It goes right into the Des Moines River and people wonder why we need to have a multimillion-dollar treatment plant to remove nitrates.

Terry Townsend said the Commission has to work with the rules as they are written right now.

Darrell Hanson said he wanted to point out that when the Legislature writes the word lagoon they mean lagoon and does not include anything else. Therefore the Commission is limited to what the rules are right now. They do not have the ability to say because somebody is a bad person we are going to apply a different law to them than to others. If the law is inadequate then it is something that the legislature will need to deal with.

Louie Fallesen said the Iowa Code 455B says the DNR can go beyond minimum requirements. He asked Mr. Hanson if he had read it.

Darrell Hanson said he was one of the legislators who worked on the Ledges issue while it was being debated. He said he would be very surprised if that language would apply here.

Louie Fallesen asked why it wouldn't.

Darrell Hanson said the language they were trying to pass to deal with the Ledges did not actually pass into the code. The language that did pass was weaker and specified certain State institutions and certain State owned land but again this law is something that the Commission will have to look into when they get into item 16.

Louie Fallesen said he really hopes the Commission takes it serious because it is a serious matter. He said he feels as if they are trying to pass the buck on to the legislature and that won't work because the legislature will not do anything.

Kurt Kelsey, member of Iowa CCI from Iowa Falls said one of their concerns in their area is Beeds Lake in Franklin County. This is the fourth year in a row that it has been contaminated with bacteria. Within three miles of Beeds Lake there are three Heartland Pork facilities and one Decoster Chicken facility. He said they are not asking for the DNR to spend \$600,000 to do a study as they did in Clear Lake, they are asking for the DNR to send someone out to check the manure management plans and the application rates of these three factory farms. He said they may or may not find something but if they could find that problem and get it solved it would help the lake.

Jeff Vonk said the Department could do that.

Kurt Kelsey asked the Commissioners to look at the blue sheet in the packet they distributed. He said it is a list of Iowa Select manure violations in their area and that they just had another one in the last month. They double spread a thirty-two acre field, which was turned into the DNR. The DNR checked it out and issued them a violation and they would like the Commission to work on getting the maximum fine imposed on this. He said his organization feels that if the fines were bigger the owners of these facilities might think twice before violating the law.

Tammi Poppe from Swaledale in Cerro Gordo County said she lives approximately 2/10's of a mile from the closest hog confinement, which has just under 4,000 hogs. There are approximately 16,000 hogs within in the three-mile perimeter of her home. All sites are just under the size which would require permits, which means the owners are able to fudge the few laws that Iowa has. She said she was there to talk about air quality issues and the illnesses associated with them and that she was not just some kooky housewife that didn't have anything better to do with her time. She put herself through college doing industrial construction work and working in paper mills. Paper mills are large producers of H₂S hydrogen sulfide emissions. Her role in the construction industry was that of emissions specialist. She was required to test confined spaces, and took many courses on hydrogen sulfide as well as many other toxic gases. She and her family have been chronically sick for the last eight months, they have had everything from sinus infections to chronic diarrhea to nausea, and her youngest child is asthmatic and needs to be nebulized all of the time. She said her family went from taking vitamin C and an occasional over the counter medication ten months ago to spending over \$500 month on prescription medication to combat respiratory infections, allergy, ulcers, depression, all symptoms associated with excess or chronic low level doses of H₂S. She said the only

symptoms that they are not yet experiencing are seizures and death. They are unable to sell their homes to get away from it, and they can't rely on the legislators who are playing party games. She said one of the first rules of government that she was taught was that the government was set up so that people could not abuse power through a system of checks and balances and she is hoping that the Commission will balance what is going on in the legislature, particularly with Senator Stewart Iverson who has tabled this discussion for over three years. She said there have been studies done by OSHA for decades. OSHA law says 10 parts per million for an 8 hour, 15 parts per million for 15 minute periods. She said although she can't get anyone to put in a monitor it is her belief that the levels in her area are far over the OSHA standards, otherwise they would not be experiencing the symptoms that they experience. This is a deadly gas there is documentation about the toxicity. It is a neurotoxin and not only does it make an adult feel bad but the younger the child the more vulnerable they are. This is because hydrogen sulfide is a heavy gas so it sinks, the shorter you are the more you are affected. She said she performed a study this week when the smell was so bad that she had to take her children and leave the house. Prior to leaving she got down on her knees so that she was approximately the same level as her three-year-old child. She said she was only able to stay in that position for five minutes because she thought she would pass out. The second reason this gas affects children more is because their neurological systems are not yet fully developed. The younger the child the more intense the damage can be. It can cause problems such as stuttering, tremors, and loss of balance. She said the State of Iowa needs a hero.

Darrell Hanson said he appreciated the background information on the hydrogen sulfide issue. He asked why she had not been able to measure the hydrogen sulfide levels at her residence.

Tammi Poppe said she can't afford to pay \$5,000 for a monitor because currently all of her money is being spent on litigation to protect her family.

Darrell Hanson asked if anyone had done any monitoring of hydrogen sulfide at residences.

Tammi Poppe said Minnesota had and that was what founded their clean air study. At the residence of Julie Jansen the level was way over the 300 parts per million limit, which is a lethal dose.

Darrell Hanson said Minnesota's limits are 30 to 50 parts per billion, which would be 30,000 to 50,000 parts per million which is significantly higher than the 10 parts per million in the OSHA requirements.

Tammi Poppe said she knows that Minnesota was generous because they didn't want to affect family farmers but she does not believe that this is an issue that would affect family farms because they only raise 300 to 500 hogs with plenty of fresh air. She said Bruce Rastetter said they had state of the art facilities however her community paid a gentleman who has worked for both the pork producers and against hog confinements to come out and evaluate the site. He said these are the poorest facilities that are possible. He said they vent off of the pits directly so in the morning and at night when the curtains are up the community receives excessive emissions.

Louie Fallesen said there are two ways for to get something done, one is to pass a law and the other is for the Commission to pass a rule. According to the Iowa Code 455B.133 it says the Commission shall develop comprehensive plans for the abatement, control, and prevention of air pollution in this state while recognizing varying requirements for different areas of the state. Or the Commission could adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution. He pointed out that the Administrative Code didn't say just air pollution for a factory it says air pollution so these hog factories should come under this law. He said they would like the Commission not to pass this issue on to the legislature because they have not done anything.

Rosie Partridge said the fourth issue that was discussed at the meetings at Iowa Falls and at Humboldt, is Environ Egg facility. Mr. Vonk was asked to deny the construction permit however they understand the permit has already been granted and is being challenged. This proposed 1.8 million bird factory is environmental disaster waiting to happen. She said there are a couple of things in the packet on it the orange sheet presents a case for the connection between Environ Egg and the habitual violator Decoster. On March 30, DNR Deputy Director Larry Wilson stated, Decoster and the applicant for this permit share attorneys consultants, engineers, and in some cases office spaces. Environ Egg agent Myron Lawler was involved in a manure release from another Wright County chicken factory owned by Decoster. There are also some references to the person who will be main person in charge of the Environ Egg facility. In 1997 he was an officer with Decoster farms and was involved in a leaky lagoon near Radcliffe where there were two 7 1/2 acre lagoons in Lincoln Township. After receiving citizen complaints, these lagoons were inspected by DNR and it was discovered that they were seeping into the groundwater. It was later revealed that the engineer for these projects had failed to perform required permeability test to determine if earthen lagoons would leak manure into water supplies. In short, Myron Lawler was linked with an engineer who lied about the suitability of these giant lagoons. This was documented in Iowa Falls Times Citizen and the Des Moines Register in May of 1996. On May 10, 1996, The Des Moines Register printed a story that said Lawler and John Glessner of Decoster Farms were accused of kidnapping and assaulting a former Latino employee at an egg plant in Clarion. They justified the brutality by saying they were making a citizen's arrest. She said Myron Lawler has a proven history of unethical doings and is directly connected with this egg factory. In an internal DNR memo it says, "The potential for the contamination to shallow ground water in the immediate vicinity of the site is extremely high due to the very high water table and core sand seam substrata described in the geotechnical report." In another internal DNR memo dated June 1, 2001, from a geologist it says, "No calculations were included, also the equations appeared to be based on the infiltration rate of the basin not the surrounding native soil as required. In addition elevation of the perimeter tile was determined incorrectly." She said there had been some very weighty things discussed during this meeting. She asked the Commissioners to please go through the information in the packet and consider the testimony of the people who spoke. She said they do request a written follow up to the letter that Director Vonk received in as timely a manner as is possible.

Barbara Thomas said she and her husband own the farm that borders the Linn County landfill site #2 on the west. When they moved to their farm in 1952, it was one of the nicest farms in Linn County however since the landfill came in 1972, it has truly been a disaster. She said she heard someone say earlier that the hog farmers could do anything they want, anywhere they

want, anytime they want, that goes double for Bluestem. Bluestem Solid Waste Agency can be as reckless as they choose and nothing happens. She said she and her husband had been contacting the DNR since 1972 and have been told that nothing can be done. The management of the landfill under Linn County was awful, with litter everywhere, ponding, and fractures allowing surface water to migrate downward. She said although she was there to represent herself as a neighboring farmer, she is also a chemist from Iowa State and a geologist from the University of Iowa and she is very concerned about the environment. She said she did not want the landfill somewhere else simply because they do not want it in their back yard. They want the landfill somewhere else because the area is an environmental disaster. She showed some maps of the area that showed the location of Site #2 and said that it is located in the most vulnerable aquifer in Linn County. She said Mr. Hogan, the Executive Director of Bluestem made a presentation to the Board of Supervisors when asking them to wave the corn suitability rating. Linn County has a land use policy that states if you should not locate a landfill on land that has a corn suitability rating higher (CFR) than 65. During his presentation he submitted information that showed that Site #2 is not suitable for a landfill. Mrs. Thomas said she had asked the DNR to put a stay on their activity so they would stop digging in the flood plain and flood way but the DNR sat on their appeals for over two months. She said the site is located between two branches of Indian Creek, but the engineer for Bluestem called the east branch of Indian Creek an intermittent stream. She and her husband have rented that property for grazing cattle and it has always had water in it and as Director Vonk pointed out to them it is mapped and there is data on it, which there would not be if it were an intermittent stream. She showed a map of public water supplies that she said would be in danger. She said the public water supply for the County Home and the County Shop went bad a few years ago and the neighbors were not informed. She showed a map that showed the corn suitability rating was high for the all areas except the area around the creek. She said according to Mr. Hogan's presentation, site #2 is not suitable, it was not suitable in '72, it is not suitable now. Yet they are going ahead with a lateral expansion, they are sneaking it in and the DNR is letting them do it without letting the public review and have comment. She referred to a map that showed the actual permitted area used by Linn County and the larger area that was permitted to Linn County in 1972. Had they initiated a project within three years they could have used any part of that area as long as it met other standards because of the sunset clause in the permit. Linn County only had the forty acres after 1975. Bluestem has been telling the public that they own the whole 160 acres and that they could locate their landfill anywhere. However in that 160 acres is the County lagoons, a cemetery, and the County shop. She said there was some land indicated on the map that had been transferred to Bluestem but there was no record as to when the transfer took place. She said although Bluestem now claims to own 114 acres, it does not mean they can develop it without new siting procedures. According to a letter from Dave Hogan to Les Beck, Planning and Development Director, dated January 10, Dave Hogan states that it appears there was a three-year sunset in 1972 so they were unable to use the old permits, but were still looking for a loophole. She said they discovered that Bluestem was trying to do this when they challenged Linn County for giving them a flood plain permit without checking with the DNR. She was later told that they did not need a new permit because they were using the 1971/72 permit. She questioned why anyone would allow a landfill to use an old permit that had been issued long before environmental laws were enacted. The landfill says they are using state of the art procedures. It seems to be a standard thing to claim state of the art and then do anything you want. The landfill was supposed to have a four-foot compacted clay liner when it was built in 1972, but it did not, they didn't have the proper slope,

which caused ponding and downward migration of leachate. She said the history of Bluestem in this area is one of distrust. In the case of the Hennessey site, they essentially sought a willing seller, damaged the property, condemned, bought it, abandoned it, and now want their money back. The Mayor said she did not want the landfill at the Hennessey site because she didn't want to lose an election over it. Bluestem has been saying they can do anything they want to and to her knowledge there has never been a penalty assessed on Linn Counties Landfill although there have been multiple violations. She said the DNR wrote to the Executive Director of Bluestem in May asking them what reasons they can give for using the 1971/72 permit. Mr. Hogan replied with his reasons, and the DNR adopted the position. Another issue is the berm that was constructed by Bluestem, which diverts water that had previously drained on their own land on to her property. She said according to Chapter 70 the DNR is required to notify people across from, upstream of and downstream from the site where a berm is to be built and allow them to be heard, however this did not happen because the construction was done without a permit. In making this berm they excavated in a new cell area where they had been excavating for years, which effectively moved the hundred-year floodplain eastward more than 500 feet and this is a very important marker that should be respected. She said according to a statement made by Mr. Hogan there was never any indication as to how long this landfill was permitted in 1972 because it was not on the original permit. However the expiration date was later found on a renewal, which indicated the landfill was supposed to close in 1992. She said that in 1992, Linn County did not have another site for the landfill so they applied for a vertical expansion. The neighbors were told that the vertical expansion was supposed to look like a park, but the litter is awful. The municipalities that were supposed to be served was all of Linn County with the exception of Cedar Rapids, the population to be served was 55,000, they didn't expect more than 13,000 cubic yards per month and it was to close in twenty years and be reverted to agricultural use. This is no longer possible because nobody would regulate them. She said Joe Zerkle, a geologist who got his masters degree from the University of Iowa, did a thesis on the Linn County Landfill in 1992. He pointed out that they had not looked at the soils where the landfill is currently located. The site consists of alluvial soils, which are highly permeable and not suitable for landfills. He also published a contour map in this thesis that showed the area had a very high water table. The landfill has been sited through the years for not maintaining a five-foot separation between the base of the landfill and the height of the water table. She said another reason that Bluestem should not be allowed to do a lateral expansion is that a legal action was taken against the Waste Agency for firing all of the County employees and made them apply for new jobs with Bluestem. This was done to sever the relationship with Linn County because of liability questions. This makes them a non-successor owner. There is a Federal minimum standard concerning flood plains, specifically Title 40 258.11, which says that Bluestem was supposed to have on record a demonstration that shows they would not alter things such as temporary water storage or the height of the 100 year flood and so on. She said they have asked for that demonstration and have not received it. Bluestem asked for permission to not use a liner, which was required as of 93 or 94. The DNR denied their request but she does not believe they have looked to verify that it was put in. She said Bluestem's plans are flawed because they base the capacity of the landfill on current rates of material that are coming in, however site number one is due to close, which will cause everything from Cedar Rapids to be redirected to their landfill. Bluestem has told the nearest neighbor, who had built his property in 1971, that if they contaminated his well water, and he can prove it, they would give him bottled water but when they contaminate an aquifer it has far reaching effects. She said Bluestem's plans and description in September of 2000,

showed that they were constructing a berm and they posted a permit. However in November of the same year the DNR cited them for constructing the berm outside their permitted area, without permission. The site manager described the berm as being 600 feet long, seven feet high and built to engineering standards. The orders from the man at the landfill who supervised the construction confirmed that it was a berm. Bluestem was in trouble because a berm is a flood control structure, which would require DNR approval that they did not have. The DNR then said a structure to control floods is not a flood control structure. She said two FEMA hydrologists have assured her that a berm, a levy, and a dike are all flood control structures. After they were cited for building a berm, Mr. Yeager and Mr. Hogan wrote the DNR letters stating that it was not in fact a berm, and claimed that it was a temporary stockpile. The DNR said if it was a temporary stockpile they would not be required to move it until 2003 and in that time if they found some other use for it that would be fine. At the board of adjustment hearing the end of May the Bluestem engineer stated they did not need the berm. A neighbor asked Mr. Hogan at that meeting if they would move the berm since it was causing damage to the neighbor. He said no because they did not have to. In a letter dated June of 2001 Bluestem stated that the berm had not been built to be a berm, that they were only doing a soil investigation and that is where the soil landed. Finally the berm has become a sediment pond wall, which is located for sure in the 100-year flood plain and she believes it is located in the floodway. She said she asked the registered engineer to stake the floodway but he refused. She told DNR Staff that according to her calculations the floodway goes into Bluestem property at least 40 feet, however DNR did not act on this information nor have they looked into themselves. When Bluestem makes false statements about their operation they are backed by the DNR. When local authorities use an inaccurate FEMA map from 1982, which is before the floodplain was enlarged, they were backed by the DNR. The DNR has refused its responsibility to enforce floodplain regulations that are seriously endangering the environment. She and her husband filed an appeal for the use and resuscitation of the 1971/72 permit in 2000 because it was an order by the Director, thus entitling anyone who feels aggrieved to appeal. They filed the first in April and the second in July. She said Director Vonk's letter quoted Section 17A.2 (2), which says "agency action includes the whole or a part of an agency rule or other statement of law or policy, order, decision, license, proceeding, investigation, sanction, relief, or the equivalent of a denial of each of those, or a failure to act or any other exercise of agency discretion or failure to do so, or the performance of any agency duty or the failure to do so." She said they are an aggrieved party, their property borders the landfill along its entire western boundary. Over a period of 29 years trash from this landfill has been deposited on their land and on Indian Creek. The landfill receives penalty money for uncovered load but this just adds to their profit, removal of trash from surrounding properties or waterways is rarely done. Further floodplain development will damage them further and the DNR has approved it. There is no buffer, there has been no compensation for either nuisance issues or decreasing their property values. There is no attempt by Bluestem to be a good neighbor. She said the DNR has allowed violations of code to go unpenalized and uncorrected for years. Beyond the nuisance issue, which is substantial, water resources have been impacted by leachate improperly handled and other problems such as ponding. She said because she feels that the use of the 1971/72 permit constituted an order she was requesting that the Commission give them that hearing in October.

Liz Christiansen said that Jon Tack had prepared some comments if the Commission wishes to hear from him.

Jon Tack said he felt it was important that the Department be prepared to address the Commission's concerns after Mrs. Thomas had her chance to speak to them. He said he is the one common link between the various agencies involved and has been attempting to respond to Mrs. Thomas' concerns over the previous nine months. There were a couple of things he said he would like to address up front, one being the 1971/72 floodplain permit. From a technical aspect it is the Department's opinion that it is in fact still valid. The permit required initiation of construction within three years and the statute says that permits for floodplains run with the land whether or not it is a successor owner. More important, is the question, if today's criteria were applied to this use would it be approved. Although he did not feel that the Department had jurisdiction in this case because they had approved the Linn County ordinance he felt the permit would be granted under today's standards. He said the standards regarding floodplains, the restriction on water use and water flow are essentially the same today as they were in 1972. He said they require the landfill to submit semiannual testing for soil and groundwater just as with any other. He said there have been no results submitted that indicate that remedial action needs to be taken or that the aquifer is permanently damaged. The main issue and the reason Mr. and Mrs. Thomas are before the Commission was whether or not they have the right to appeal the floodplain permit. She claims a resuscitation of the 1972 permit, however there has been no further action by the Department with regard to the permit. She and Bluestem has asked the Department if the permit was still valid, and they have answered yes. However if by responding that a permit is still good automatically gives someone an additional thirty days, then thirty days would be meaningless. He said there has been no order issued by the Department. There has been frequent correspondence from the Director and the Department trying to explain their position to Mrs. Thomas and they will continue to talk to her, but at this point the Department does not feel that there is any right to appeal the 1972 permit.

Discussion followed regarding the floodway and floodplain.

NOTICE OF INTENDED ACTION – CHAPTER 22, CONTROLLING POLLUTION (REVISE DEADLINE FOR TIMELY APPLICATION FOR SIGNIFICANT MODIFICATION OF A TITLE V PERMIT)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

The purpose of this rule making is to revise the deadline for which an application is due for a significant modification of a Title V permit. Currently, subparagraph 22.105(1)"a"(4) requires an application at least 6-months prior to any planned significant modification of a Title V permit. The Department has received two requests from the regulated public that the 6 month deadline be revised because of permit timing issues.

Although 40 CFR Part 70 does not specifically address the deadline for an application for a significant modification, it does state that a complete application to obtain a Title V permit or permit revision is required within 12 months after commencing operation or on or before such

earlier date as the permitting authority may establish. This rule making seeks to change the deadline for submission of a significant modification of a Title V permit to no later than 3 months after commencing operation of the changed source.

(A copy of the Notice of Intended Action is available in the Departments Record Center.)

Mike Valde said this rule change is designed to avoid technical violations of the rule if a company is granted a permit before the six-month advance notice requirement. He said the public hearing for this rule is scheduled for November 15.

Motion was made by Darrell Hanson to approve the notice of intended action as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an amendment to Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code. The purpose of this rulemaking is to establish a definition of certain air emission units as "Small Units" and list those emission units as being exempt from the requirement to obtain an air construction permit. The rulemaking also establishes a definition of "Indoor Units" for which no air construction permits are required. A more detailed explanation of the proposed rules is contained in the preamble of the attached proposed rules.

This rulemaking is the result of an extensive cooperative negotiated rulemaking process between the department and representatives of the Iowa Association of Business and Industry (ABI). Both the department and ABI are interested in reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences. An informational meeting on the amendment was held August 27, 2001, at DNR's Air Quality Bureau offices. At the meeting DNR staff were available to answer questions on the proposed amendment. Representatives of business and the Air Quality Small Business Assistance programs (UNI and Dept. of Economic Development) were present.

The department will seek inclusion by U.S. EPA of this amendment into the State Implementation Plan upon final approval by the Commission.

A public hearing will be held at 1:00 pm on November 26th, 2001, in conference rooms 3 & 4 at DNR's Air Quality Bureau offices located at 7900 Hickman Road, Urbandale, Iowa, at which time comments may be submitted orally or in writing. All comments must be received no later than November 30, 2001.

(A copy of the Notice of Intended Action is available in the Departments Record Center.)

Mike Valde briefed the Commission on the history of this rule making.

Terry Townsend asked if there had been a consensus of the group.

Mike Valde said there had been complete consensus among the people working on the rules.

Motion was made by Kathryn Murphy to approve the notice of intended action as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 13 –WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Adopted and Filed rulemaking notice to adopt a new chapter 13, "Waivers or Variances from Administrative Rules," 567 Iowa Administrative Code. The purpose of this rule-making is to adopt waiver rules to implement Iowa Code section 17A.9A and Executive Order No. 11, signed by Governor Vilsack on September 14, 1999. The Commission is being asked to adopt by reference new 561 Iowa Administrative Code chapter 10, "Waivers or Variances from Administrative Rules." The Adopted and Filed rulemaking notice for 561 Iowa Administrative Code chapter 10 will be published in the Iowa Administrative Bulletin on September 5, 2001.

(A copy of the Final Rule is available in the Departments Record Center.)

Mike Valde said this model rule was developed by the Governor's office and the Department has adopted as a departmental rule and is now before Commission to be adopted as a Commission Rule.

Motion was made by Kathryn Murphy to approve the Final Rule as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 60 - SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 - EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 - MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program.

Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial discharges. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater discharges.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards that need to be changed to remain current with federal regulations. Within the last year, effluent standards were adopted for centralized waste treatment facilities. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2001. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods that must be used by wastewater discharges to remain current with federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Rule 62.2 (455B) and Iowa Code section 17A.4(1) specifically provide for adoption of federal effluent and pretreatment standards by reference, without public notice. Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

(A copy of the Final Rule is available in the Departments Record Center.)

Mike Valde said the Department was asking the Commission to adopt this rule without advance notice or comment and effective immediately pursuant Chapter 62.2, which allows the adoption of Federal effluent limitations and pretreatment standards without notice or comment and make them effectively immediately because the State is required to have standards that are at least as stringent as but no more stringent than the Federal requirements.

Motion was made by James Braun to approve the Final Rule as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

DEMAND FOR HEARING – WRIGHT COUNTY; ENVIRON EGGS PRODUCTION COMPANY, SKINNER LAYER SITE

Randy Clark Attorney for the Department of Natural Resources presented the following item:

On July 31, 2001, the department issued Construction Permit No. CP-A2001-022 to Environ Eggs Production Co. - Skinner Layer Site, approving construction of a 1,800,000 chicken, egg laying facility. Notice of this action was delivered to the Wright County Board of Supervisors

on August 2, 2001. On August 13, 2001, that Board notified the department by facsimile of its intent to demand a hearing, and the demand for hearing was mailed to the department on August 13, 2001. A summary of legal provisions and pertinent documents relating to the demand and the department's and/or permittee's response to it have been provided to the Commission.

The Commission is requested to review this matter and render a final decision by September 17, 2001, which is 35 days from the date the County filed a demand for hearing.

Randy Clark gave a brief background of the case. He said Michael E. Houser, Wright County Attorney was present to represent Wright County. He said Environ Egg has filed a written response and Jan Kramer would be representing them. In addition he would be presenting testimony on behalf of the department. Pursuant to the rules, the Commission can reverse, modify, or affirm the department's decision to issue the permit.

Terry Townsend asked the attorneys to limit their comments to 15 minutes or less each.

Mike Houser, Wright County Attorney said he was representing the Board of Supervisors and the citizens of Wright County, Iowa in opposition to the permit issued to Environ Egg or what is termed the Skinner Layer Site near Dows, Wright County, Iowa. Wright County has filed with you a number of written responses to the issuance of the permit and they request that the Commission overturn the DNR's action in issuing that permit. He said there are several concerns among the Board of Supervisors and the citizens of Wright County about the proliferation of factory farms in their county. He said it has been suggested that Wright County initially entered into this arrangement willingly and knowingly. However neither the Board of Supervisors nor the citizens of Wright County had any idea where they were going to end up. When you drive around Wright County you cannot go anywhere without running into one of these sites. At the public meeting, held to elicit comments from the constituents, friends and neighbors, prior to filing the request to overturn the decision to issue the permit you could not help but be moved by the stories people tell. People who have lived at their family farms for years have seen their quality of life destroyed by the proliferation of factory farms. A lot of their comments concern air quality. He asked the Commission to imagine the stench that would be proliferated by 1.8 million chickens generating manure on a daily basis. Furthermore that manure will not have to be removed for a year. He said Wright County believes there is something the Commission can do about it. The Skinner Layer Site near Dows qualifies under Iowa Code Sections 455B.131 (3) (1), (2) and (3) as an air pollutant. It is the Department of Natural Resource's responsibility to protect the populace from noxious odors of this nature to the extent that they legitimately can. The Department of Natural Resources and Environ Egg have responded that the populace is adequately protected by set off distances from facilities to residences, but when you listen to somebody who lives in proximity to one of these sites and you find that the setoff distances are not sufficient. He said driving from Wright County to Des Moines on I35 at the 137 mile marker if you have your window open on a hot still day you will begin to be hit by the smell. It is not until you hit the 135 mile marker that you will actually find out what is causing the smell, which is two relatively small buildings where they raise capons. The smell stays with you until you reach mile marker 133 in Ellsworth. The responses to their application to overturn the permit claim that the Commission has no authority to act on this issue because there are not standards. He said that there are ozone and particulate matter standards

that refer to what is called PM10, which have been adopted by the Environmental Protection Agency. PM10 is particulate matter that is 10 microns in size, which is approximately the size of a period on the printed page. This type of site will generate that type of matter. He said the plan is to have manure from the 18 buildings where the chickens are to be housed conveyed into the manure management building, dropped and stored and moved around. Any movement of that manure will create this kind of dust and it will create the smell and dangerous gases. He said in the application submitted by Environ Egg there are 20 to 25 pages listing the dangers of particulate matter and emissions from stored manure. Things like hydrogen sulfide, ammonia, carbon dioxide, and methane, all of which are described as being extremely hazardous to human health and potentially flammable. That is under the best of conditions. Here you have a facility that is going to be in excess of a third of a mile long where this material can be stored for up to a year. One organization estimates that this amount of chickens over the course of a year will generate 15,000 tons of manure. He said Environ Egg states there is no problem because they have entered into an agreement with North Iowa Nutrient to have them remove the dry manure from this facility and once they are on site and taking care of it, it is no longer their problem. That does not alleviate the inherent problem with storing manure of this volume in a site of this nature. In order to get the manure out of the building there has to be some type of plan. The plan as he understands it, is to have one individual with a skid loader remove the manure and place it on a concrete slab to be picked up by North Iowa Nutrient. He asked the Commission to imagine the amount of work it would take to remove 15,000 tons of manure with a skid loader. He said in his estimation it will take a daily process, and it is not going to be something that can be done in a short period of time. This manure is going to have to be piled so that it can be removed. He asked what happens when a sudden storm comes up, or during the winter months. Environ Egg said they will make sure that the storage facility is sufficiently clean so that over the winter months they will be able to store manure satisfactorily. That shortens their window of opportunity for the removal of manure even more. If the manure is left unattended or out in the open during the course of a storm it is going to run off into the ground and will affect the quality of groundwater, it will affect the drainage tiles and everyone down the waterway from this site. This site is on the top of the drainage district so everyone down water in that district will be affected. This is a defective plan. Environ Egg says they don't have to file a more detailed plan because they are dealing with dry manure and all that is required when dealing with dry manure is to show that they will get rid of it. He said the first paragraph under the terms of the agreement between Environ Egg and North Iowa Nutrient (NIN) states that in the event that the manure cannot be sold or applied due to contaminants it shall not be NIN's responsibility to purchase nonmarketable manure. He said he doesn't know what makes manure nonmarketable but according to the information he has there are any number of reasons. He asked what the plan was in the event that a large amount of manure is nonmarketable. Federal standards say that no one should enter the manure storage building without a self contained breathing apparatus. This is what the fire department uses to go into buildings that are burning. The equipment is unwieldy, it is taxing, and it is not comfortable. You would not want to be in this equipment for any amount of time. He said Environ Egg and the Department claim that there is nothing that this Commission can do with respect to these issues, but under 455B.141 that this Commission has the power if they find that there is sufficient evidence that an emergency situation exists and that the consideration of this proposal should be put on hold until such time that these concerns are properly addressed. He said it was time for the Commissioners to say to the people of Wright County and the State of Iowa that they understand their interest in maintaining the quality

of life, they understand their interest in maintaining the quality of their farms and their land and we are going to take a stand to recognize that quality and protect it. He said it is right in the statutes that the Department of Natural Resources are supposed to do that but they have not and to the best of his information they have had those responsibilities for the past 13 years. He said he is sure the response will be that without anything specifically on the books at the present time and we are in the process of considering air quality standard regulations, there is nothing we can do. But for the people around Skinner Layer Site that will not be sufficient because by the time the regulations get adopted if ever, this site will be grandfathered in and those people and landowners are going to live with the smell and the problems associated with this facility for the rest of their lives.

Jan Kramer, said she was there to represent John Glessner. She said this permit was issued to John W. Glessner Jr. who is an individual who is doing business as an Environ Egg Production Company. John is the owner of Boomsma's which is a chicken facility located in Alden and Hardin County and he has been in the egg production business for about 15 years. John is interested in building additional egg laying facilities in North Central Iowa because he currently markets a great number of eggs from Iowa. In addition to the eggs from his own facility he also markets eggs from other facilities. To have the facilities located all together in North Central Iowa is helpful from a marketing standpoint because if you have a problem at one facility and you don't have the right number of jumbo or large eggs you can simply have the truckers go to another facility in the area to pick up the eggs and still meet the requirements of your contracts with your buyers without having to buy eggs on the open market. Environ Egg production facility is somewhat different from the other facilities that are currently located in North Central Iowa. He picked the name Environ when he started to look at the design of this facility because it is supposed to be and is planned to be more environmentally friendly. The creation of the use of a separate manure storage building as opposed to storing manure below the buildings, which is typically done in most egg processing facilities is supposed to increase the air quality not only inside the building but also outside the building. It is also supposed to decrease the number of flies and increase the ability to control flies in the manure building. The issue before the Commission today is what is the law now. What the law is today is that if an applicant for a construction permit for an animal feeding operation meets the applicable requirements of the DNR and of the statutes under which the DNR operates, the DNR is required to issue the construction permit. This Commission only has the authority to suspend the issuance of that permit or to revoke that permit if for some reason the DNR misread or misapplied the legal requirements and the permit actually does not meet the legal requirement of the statutes and regulations. It is clear that the permit issued by the DNR does meet those statutes and regulations as they exist today. First with regard to air quality, as you are all very well aware there are no air quality standards that have been promulgated by the State of Iowa at this time that apply to confinement feeding operations other than separation distance requirements. As the Department indicated in their written response this facility since it stores manure in the dry form does not even have to meet the separation distance requirements however they have met all of the separation distance requirements even though they are not specifically applicable to them. The county also alleges in its objections based on air quality that it wants this facility to comply with all Federal air quality standards. That requirement exists under Federal law and to the extent that there are air quality standards that are applicable under Federal law they must be

complied with. However they point to no standard that is not being complied with by the facility that is in issue here. In addition this Commission does not have the authority to regulate facilities based on Federal standards. Therefore the raising of issues relating to Federal standards does not relate to an item that this Commission can rely on to change or to suspend the permit, which has been issued by the DNR. With regard to the manure management plan, the plan was submitted and approved by the DNR and what it is required to contain under these circumstances is that the manure will be sold pursuant to Chapter 200A of the Code of Iowa, which is governed by the Department of Agriculture and Land Stewardship. In order to keep your certification to sell manure an annual report must be submitted showing that the seller has conducted nutrient analysis reports must be filed with the Department of Agriculture and Land Stewardship saying where it was applied. Information must be given to the people who purchase the manure which tells them the minimum amount of acres they must use to apply the manure. This is the same type of information that is required by the DNR in a manure management plan so there is no reason to duplicate the process. Under these circumstances Environ can't tell you where or how the manure is going to be applied because they do not have that information. All of the information about where and how it will be applied will be reported to the Department of Land Stewardship in accordance with the manure selling standards contained in chapter 200A. If the manure is somehow contaminated and therefore not marketable then Environ would have the responsibility to dispose of that manure in accordance with all of the rules and regulations that apply to animal feeding operations. If that occurs Environ will have to file a manure management plan before it can apply the manure. There is no exception from the manure management rules that says if you are going to sell it and you don't you can just go out and apply anywhere you want. With regard to the issues related to gases, OSHA regulations do apply to this facility, air quality is tested, if the gases exceed certain limits the employees must wear the appropriate breathing apparatus and protective equipment. Normally there are no gases that exist in any levels that are dangerous to anyone, including the employees who work in the facilities. The levels of gases are handled by adequate ventilation. She said there is no concern for a methane explosion because methane is a gas that is lighter than air, so it is extremely easy to ventilate. If methane levels get to a dangerous level then ammonia levels would be huge and every effort would already be in place to get the ammonia out. In regard to the water quality issues there is a rule in effect that says manure must be contained between periods of manure disposal. Putting the manure out on concrete slabs and leaving it there for even an hour would violate that standard. Environ will not violate standards. The concrete slabs are there so you don't tear up the ground with the skid loader. It will go from the building to the trucks. The last concern of the county relates to pest control, but this is another item that is not currently regulated by the Department of Natural Resources. Environ Egg will implement appropriate pest control standards to control flies from this building and actually the use of a separate manure barn makes it easier to appropriately control flies from this facility because you will not have to be concerned with the health of the chickens when you use chemical fly control in this facility. The DNR is required by law to issue permits to those facilities that meet the standards. This commission is required to uphold that decision of the DNR unless you find that the legal requirement of the statutes and regulations that apply to this animal feeding operation has not been met. The county has raised no legal requirement that has not been met and therefore you should affirm the decision of the DNR.

Darrell Hanson asked if Mr. Glessner had any business interests or relationship with North Iowa Nutrients other than the contract to sell manure.

Jan Kramer said he did not.

Lori Glanzman asked how much space was available for manure storage.

Jan Kramer said the building would contain well over two years worth of manure. The original plan was to store the manure for two years but the DNR did not like it so they settled for every year.

Rita Venner asked if there was any connection between Mr. Glessner's business and Decoster's business.

Jan Kramer said they would do some business together in the sense that Mr. Glessner does have a contract with Decoster to sell eggs from Jack Decoster's facilities but there is no ownership interest.

Randy Clark, Attorney for the Department said the Department does not have any particular interest in having certain animal feeding operations opened in this State, we are not in the business of promoting them but when applications are received they must be acted on in accordance with the rules and the statutes that are in effect. The Department spent a great deal of time reviewing this particular application and believes that all of the standards and all of the requirements of the state have been satisfied. As Environ Egg pointed out there may be many other things that perhaps should be addressed but the General Assembly is really in charge of those types of things. The Commission does have power to enact additional rules on the issues of odor but at this point the Department would agree that the Commission and the Department are bound to the rules that currently exist. The Department did consult with its Air Quality division and found no Federal standards that applied to this particular type of operation, but in the event that there are as Environ Egg pointed out the permit does require that they comply with all of the Federal, State and Local requirements if there are any that apply. Therefore the Department urges that the Commission uphold the permit.

Kelly Tobin asked if the DNR has already approved this permit why is being brought before the Commission.

Randy Clark said the General Assembly passed a provision that allows the counties the right to request a hearing. It requires the county to make this request within a certain limited period of time and then requires the Commission to address it and make a decision in thirty-five days.

Kelly Tobin asked what good this process was if the Department's hands are tied.

Randy Clark said the reason for this procedure is if there is anything that the Department overlooked, then the County has the right to bring it to the Commission giving the Commission power to modify or reverse the permit.

Terry Townsend asked if the Department was confident that all standards have been met.

Randy Clark said the Department spent a great deal of time reviewing this application and asking for addition information and he is sure that the engineering staff would not have issued the permit unless they were confident that all of the requirements were satisfied.

Darrell Hanson asked if the permit holder made any additional concessions that were not required by statute.

Randy Clark said the facility did comply with separation distances even though they are not required to do so.

Jan Kramer said in addition to separation distances, Environ Egg agreed to have a certain number of groundwater monitoring wells to be installed.

Terry Townsend said there were some people who wished to comment on this issue and asked that they keep their comments to two minutes.

Blaine Nickles, President of the Wright County Chapter of the Iowa Farmers Union said he was there to represent Iowa Farmers Union in the absence of their President John Whitaker. He said he stands in support of the Wright County Board of Supervisor's request for this Commission to overturn the permit issued by the Department of Natural Resources to Environ Egg. One of the things that the Commission should consider is the amount of concentration of the livestock and poultry numbers that are in Wright County at this time. In Lincoln Township alone, in a three-mile radius, there are 6.5 million layer hens. This new facility will be approximately two miles from the outside radius of that three miles. He would like to have the Commission consider the question of whether or not the selling of manure would make the facility commercial or if would it remain an agricultural production facility. He said there was chicken manure stockpiled all over Wright County during the past winter waiting to be spread of fields and was even spread on snow covered fields.

Erick Davidson with Iowa CCI said he would second the opinion that there is manure being piled all over the place on empty fields and being left there for a year or longer. One point he wanted to bring up that had not yet been addressed is the ground water. This facility will threaten the local groundwater; they have proposed a groundwater lowering system. He said in the packet given to the Commissioner earlier in the day was an orange sheet with points that were brought up by the Geological Survey Bureau, who are the experts in the DNR about groundwater and about the geology of the state. Matt Culp of the Geological Survey Bureau said, "The potential for contamination to shallow ground water in the immediate vicinity of the site is extremely high due to the very high water table and course (sand seams) substrate described in the geological report." After Environ Egg had tried to address the problem Matt Culp said, "I still have serious doubts that a ground water lowering or perimeter tiles system like they are proposing will be effective in this setting and in these soils. In another comment by Robert Libra, Supervisor of the division said, "Whether that system would provide a two foot separation beneath the entire lagoon is doubtful as the draw down would have to extend almost 200 feet from the trenches."

He said in addition to the dry manure, Environ Egg has not even addressed the issue that they will be washing the eggs there as well.

Eric Eide from the Johnson Law Firm in Fort Dodge said he was there on the behalf of some of the adjacent landowners. He said as they listen to his comments he would like the Commissioners to keep in mind the scope of the project, there will be 1.8 million birds in these houses, two lagoons that are 300 feet by 176 feet times 8 feet deep. There will be over twenty acres of roof and the dry manure storage is going to be 1800 feet long, that is six football fields. He also asked them to keep in mind that there is an entire county objecting and that is a fairly significant event. He said he disagrees strongly with Randy that this is somehow a minimal right that the Legislature gave the counties and he believes that the DNR has forgotten that their primary mandate is to prevent water pollution. He said he would like to ask some questions of the Commission rhetorically and would ask anyone from the DNR or the applicant to answer them if they could. First what is the actual groundwater table level beneath these proposed lagoons? He said the applicant was asked to measure this twice and it was never done. Second is the groundwater lowering system going to work? The DNR's own experts are very doubtful that it will work. If you look at the scope of this trench even the layman can say that it is incredible. Is there any other site where this is being done or used? He said this is not the case to be experimenting with. How much runoff is going to come from the houses and the roofs? They haven't run a 100-year storm event. How much water is coming out of the trenches and where is it going to go? Is that going to affect county tiles, or State waterways? He said nobody knows because it cannot be answered. He asked how the applicant could certify that there would be no impact on the county tile. Part of the reason the county is here is because it will have an impact they will have to change the drainage district boundaries to accommodate it. The fourth question he has is what happens to the wastewater in the lagoons? He said he asked Sara Smith if there was manure in the water in the lagoons. She said there was. He asked if there is a manure management plan. She told him no. He asked what happens to the water. She said she didn't know. It was not in the permit nor was it in the application. He said this is not the size of project where meeting the minimum standards will be good enough.

Reverend Paul Thompson said he was there on the behalf of Vernon Lutheran Church congregation which is right near by the facility that is being planned. He said he has no specific training in soil science, water science, air standards or any of the legal aspects. He said he was there because they will be neighbors to this facility. Neighbors are called on to be good to one another, to look out for one another, to be supportive of one another and all they have found out about their neighbors so far is that they are going to follow the letter of the law. He said he would like the Commission to think about the spirit of the law. He said he wanted them to think about resources not just as soil, water, and air, but as the people who have to live there, as to the people who have to abide by what ever decisions these other people come to, as people who will have to deal with the consequences if all of the plans that are in place fall through. He said this is as much a spiritual issue as it is a legal or scientific one. He asked the Commission to do what they could to deny the permit.

Motion was made by Rita Venner pursuant to Iowa Code 21.5 1 (C) to go into closed session. Seconded by Kelly Tobin. The roll call vote went as follows. Kathryn Murphy – Aye; Gary

Priebe – Aye; Rita Venner – Aye; James Braun – Aye; Kelly Tobin – Aye; Darrell Hanson – Aye; Lori Glanzman – Aye; Terry Townsend – Aye.

Eric Eide from the Johnson law firm of Fort Dodge representing some of the adjacent landowners challenged the decision of the Commission body to go into closed session under Iowa Code 21.5 (1)(c) which states, “to discuss strategy with counsel in matters presently in litigation,” He said this is not the case, “or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.” He suggested that it would be a stretch of the word imminent. He asked the Commission to keep the meeting open.

Chairperson Terry Townsend said the Commission would now go into closed session.

The Commission returned to open session at 2:43 p.m.

Darrell Hanson said there were some technical questions raised prior to the Commission going into closed session that had not yet been answered. One of which was the issue of a ground water lowering process. He said he is assuming that at least some of these questions have been looked into and he would like to find out what the Department’s assessment was.

Randy Clark said that although Dr. Sara Smith believes that most of these questions can be answered, she would like to have an opportunity to review the questions and be prepared to give the Commission a full response.

Wayne Gieselmann said he knows that all of the questions that were raised earlier were raised and addressed and passed by the Department.

Jan Kramer said the groundwater lowering system was a very disputed and discussed issue during the permit application process. Environ Egg hired two engineers, Dennis Johnson from Johnson Engineering in Windom, Minnesota and the other one was Dave Logerman from Shive Hattery in Iowa City. A great deal of studies and calculations were done with regard to the groundwater lowering system. It was designed by the above mentioned engineers and was reviewed in person by DNR engineers and staff. A determination was made after the review that the groundwater lowering system would sufficiently lower the groundwater level to more than two feet below the base of that lagoon.

Mike Houser said everything the Commission heard about the groundwater lowering system is nothing more than speculation because nobody knows the answers to those questions. That is why the DNR’s own engineers in their own documents and internal memos say that they are not sure what the effect of this system will be, that is why it is an experimental system. He said on a facility of this size, given the potential effect to people down water from a facility of this size, if the experiment fails the results would be catastrophic.

Darrell Hanson said the Commission is empowered to revoke this permit if they find that the Department has acted contrary to the law or administrative rule. He said in his opinion this is a different question than should there be different rules, should the law be different, or should the

process be different. The question the Commission is asked to answer is, was the process that was in place followed. That is a relatively narrow question, but there are some issues that a lot of the Commissioners are interested in exploring. The way the law is worded the Commission is required to make a decision of some sort today because there is a 35 day limit and this is the 35th day. The Commission does have to decide whether or not the permit should have been issued based on the information they have in front of them. However the Department does have the authority to revoke permits that have already been issued through a process that protects both sides.

Darrell Hanson moved that the Commission approve the permit on the grounds that they have no conclusive evidence that the DNR staff failed to follow the law and the administrative rule and that the Commission continue to review this case to determine if actions should be initiated to revoke the permit. Seconded by Lori Glanzman.

Kelly Tobin said he still has a problem with the groundwater issue and the close concentration.

Kathryn Murphy asked if Commission would be able to get the information in time to do some research in time for the next meeting.

Jeff Vonk said the Department would be willing to schedule a briefing with the technical experts at the Commission's convenience to try to answer any questions there may be.

Jan Kramer said if the issue before the board is this particular permit, Environ Egg would be willing to have their engineers available as well to explain the system they designed.

The roll call vote went as follows: Kelly Tobin – Nay; Darrell Hanson – Aye; Lori Glanzman – Aye; Kathryn Murphy – Aye; Gary Priebe – Aye; Rita Venner – Aye; James Braun – Aye; Terry Townsend – Aye. Motion Carried.

PERMIT UPHELD

Darrell Hanson said that in the future there might be some benefit to changing the procedures so that the applicant is notified of what the intent of the Department would be rather than the permit being issued. This way the Commission can see these cases prior to the permit actually being issued. He asked if that would require an administrative rule change.

Mike Valde said he believed they could simply change the method of notification to the applicant.

Gary Priebe asked if by going this route does it mean that the Commission will be reviewing every permit that this Department issues.

Terry Townsend said they would only review those where the county objects.

Mike Houser asked if the county would have an opportunity to be a part of this discussion and to hear the information. He said the county is only allowed 14 days to come up with every possible reason that you will raise in objection to this petition and if they do not meet that deadline then

they lose the opportunity to oppose this process. He said now he hears Environ Egg saying they would like to provide the Commission with additional information and the Department saying they do not have the information the Commission needs to make a decision, if the county had been in that position they would lose.

Randy Clark said the Department does have the answers they simply want the time to fully consider the question and give the Commission the complete answer.

Mike Houser said he wanted to request that the county and the citizens be allowed to be a part of the continuing discussion.

Terry Townsend said it would be an open meeting.

It was decided that a meeting would be scheduled at the earliest possible date.

REFERRALS TO THE ATTORNEY GENERAL

Randy Clark, Attorney, Compliance and Enforcement Bureau presented the following item. The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Swine Graphics Enterprises, LP (Clarke County) – animal feeding operation
- b. Steve Friesth (Fort Dodge) – air quality/solid waste [tabled item from July – the request for referral will be withdrawn]

Terry Townsend said there was a two o'clock appointment for Swine Graphics on Item 17 and apologized for the delay.

Randy Clark said this is a matter involving a request for referral of Swine Graphics Enterprises. Swine Graphics owns a confinement swine operation known as the Sam Gray finishing unit in Clarke County southeast of Osceola. This facility has one confinement building that house about 700 finishers with a live animal weight of approximately 105,000 lbs. Thus being considered a small animal feeding operation. On Tuesday, March 27th, 2001 the Department investigated a manure release telephone message from Swine Graphics. By this time the manure was being contained by a berm, but the Department observed a trail of manure solids leading from the facility to the county road, under the culvert and into an unnamed White Breast Creek tributary. The Department staff also observed manure solids in the stream for a distance of 50 to 150 feet downstream of that discharge point and then further down stream scum and foam were observed until the confluence with White Breast Creek which is about ¼ to ½ mile. The laboratory

analyzed the samples that were taken and confirmed an impact on the unnamed tributary as far as ammonia and nitrate. After direction from the Department, Swine Graphics cleaned up the manure solids on March 29th and Swine Graphics later reported that approximately 1,200 gallons of manure was released on Saturday, March 24th due to inadequate manure storage. The first report the Department received on this was Monday March 26th, late in the day. Swine Graphics has an enforcement history consisting of three administrative orders and one referral to the Attorney General. The department is requesting referral to the Attorney General due to the failure to retain manure, discharge to the waters of the State, violation of water quality standards, and potentially violation of manure release reporting requirements depending on the timing of who knew what. Swine Graphics is represented by Craig Loffredo, Vice President and Attorney Gary Myers.

Gary Myers with the Davis Brown Law Firm said he is representing Swine Graphics Enterprises, L.P. In addition to Craig Loffredo is Mike Sexton who is the environmental compliance officer. He said he would like Craig to fill the Commission in on the companies policies and what happened that day. He said they were not there to tell the Commission that there was no violation, there was a failure to retain and they do not want to offer any excuses for it. He said they do not think however that referral to the Attorney General's office is warranted nor do they believe it is necessary. Swine Graphics expects that there will be penalty involved but it could most appropriately be handled administratively.

Craig Loffredo, Vice President of Swine Graphics said Sam Grey Finisher is a finisher that is down by Osceola that is between a sow farm that Swine Graphics owns and the town. There was some letters to the editors in the paper saying that Swine Graphics sow farm was smelling up the southeast part of town. They investigated those claims and found that the finisher was between the sow site and the town. During July and August they had to pump that finisher. So Swine Graphics elected to purchase the finishing site in February of 1997 and allowed it to set empty for a couple of years. In April of 1999 they elected to put some pigs in the finisher and they hired a gentleman who works in the finisher everyday for a total of about 10 hours a week. He said the gentleman they hired, Dennis, apparently went on vacation and hired someone else to look after the pigs and do the chores. This individual was not an employee of Swine Graphics and never has been. The gentleman called John Berger, a Swine Graphics supervisor, and left a voice mail saying that there was manure on the ground by the Sam Gray Finisher. John Berger picked up his voice mail at approximately 10:30 a.m. on the 26th. Mr. Berger took action immediately by going to the site and calling him. He waited until Mr. Berger got to the site and reported back to him. In the mean time their environmental compliance officer Mike Sexton was notified he too headed for the site. They bermed it up so that it could not continue to run into the tributary and then a call was placed to Julie Nelson, Area 5 person for the DNR. They then proceeded to clean up. He said by the next morning he had not yet received a call back from the DNR and so he called Julie again. That afternoon they went down, did an inspection, wrote up a report, and then sent Swine Graphics a notice of violation. In that notice of violation it outlined the series of events but what was not included in that notice of violation is that Julie took samples from immediately where the tributary runs into White Breast Creek, she took them downstream and she took them upstream. She ultimately determined that there was no impact on White Breast Creek, but based on the information that she gathered she went up to the city and they were also discharging because if you look at the information the fecal coliform level was

actually higher upstream than it was downstream. He said he started asking questions as to why the Department would want to refer this to the Attorney General received a number of responses, one of which was their past violations. He said if Swine Graphics as a company added up the number of farm years that they have there are more than 117 farm years, and there have been five violations, none of which have been determined to impact the environment. Secondly the Attorney General could fine the company, monetarily, more than the Department can. He said he can assure the Commission that they take the environment very seriously, they have a full time environmental compliance officer, their testing procedures as it relates to lagoons, creeks, streams, and ponds are extensive and they have been putting permanent monitoring wells since 1994, long before they were required. He said they have not been reported to the DNR by anyone but themselves because they call when they have a problem. They are currently working with the DNR on some new technology to improve the systems that they have. They have spent over a half a million dollars in Clarke County alone on odor control, which in two cases is working very well, and in the third case they are studying the reasons that it doesn't. They take their role as neighbors very seriously as well. They feel this is something that could be handled administratively instead of being referred to the Attorney General.

Gary Myers said there was no impact at all on White Breast Creek itself, there was no fish kill, there is no need to do any further recovery action, no further remedial actions required, so there would be nothing for the Attorney General's office to do other than to seek a fine. They do not understand why DNR would go through the cost, the time, and the litigation when this could be handled in an administrative fashion. This company has a history of going beyond what is required by the law, it has a history of cooperating with the DNR and he feels they have a very good record of complying with environmental statutes given the size and life span of the operation. He said they were not there to suggest that any of that would change if the Commission does decide to refer to the Attorney General.

Kelly Tobin asked why it had happened and what had been done to correct it.

Craig Loffredo said their policy before the incident was that they were to be notified when the lagoon gets within a foot, but that did not happen so Mike Sexton will be implementing a system that will monitor each of the farm sites monthly. They have changed the system so that whoever is caring for a facility knows and has several phone numbers to reach someone.

Kelly Tobin inquired, wasn't it your help that went on vacation and shouldn't he have known that it was within a foot?

Craig Loffredo said yes the employee should have known to call before he left.

Gary Myers said it is not company policy to leave the farm in charge of someone who is not an employee.

Terry Townsend asked if they had improved the communication system and what happens when the employee who only works ten hours a week is not there.

Gary Myers said, as he understands it this is a very small finisher that Swine Graphics only purchased because of the odor problem and would not normally have. It is so small that one employee can take care of it on a part time basis.

Terry Townsend said he has some concern with the suggestion that because there were no fish floating there wasn't any impact.

Gary Myers said he did not mean to suggest that but the DNR's findings show that there were no higher levels in White Breast Creek.

Randy Clark said while there was not significant impact on White Breast Creek there was a significant impact to the tributary of White Breast Creek which is still a water of the State. Even though not referring to the Attorney General would avoid that litigation if the Department issued an order, it would allow the company to appeal that order and there could still be a contested case and litigation. Based on the history this is the type of case that the Department would normally recommend referral to the Attorney General.

Rita Griffith said she lives two miles north of a proposed hog confinement going in by Swine Graphics. Five buildings. She said these violations should have never happened in the first place, they get slapped on the hand and they laugh at everyone. All they have to do is pay the fine and then they go on to build. She said she knew they were working on the odor control but it is not just odor. There has been proven tests done in other states and they are now doing them here. With a spill like that, what are they going to do with a building of 1.6 million pounds of live meat that is going in by them? They should not be just slapped on the hand. She said she really would like to push for a referral because of the previous violations. The permit has not yet been issued for the facility planned near her and she would like to see all permits suspended for an allotted amount of time without any spills. She said if it happened once, it has happened before, and it will happen again because they are irresponsible. If the only punishment they receive are fines they can afford it, but the neighbors cannot afford to have their water polluted.

Robert Johnson said he was initially going to speak about Swine Graphics' record but their record speaks for itself. Each of the responses from the Attorney General, they have been repeatedly warned on probably all of the three or four violations. He said he would like to talk about the lack of responsibility, they said the employee was gone, but they own the facility and it is their responsibility to watch it. He said he questions very seriously how that overfilled in two days. He said that is due to lack of management. He said he challenges the claim that the five violations in the hundred and sixty some years of farming did not impact the environment. The fines were levied because they did impact the streams and the waters of the State.

Craig Loffredo said he would like to respond to the last comment. He said that in the last month to five weeks Mr. Johnson has reported a problem at almost every one of their sites in Clarke County. One site he claimed they were out of compliance with their storm water discharge permit. DNR investigate and found it was not true. At another site their lagoon was leaking and why are they pumping water in there. Which was not true. At the County Assessor's he claimed they had pigs in a facility the previous year, which wasn't true. He said this gets a little out of hand when people are allowed to make multiple reports without much basis for fact.

Darrell Hanson said he had been on the Commission long enough now that he is beginning to see return cases. He said he would have to agree with the gentleman from the company that because they are large you have to put their number of violations in perspective. He said you also have to put their resources to deal with the law into perspective. A person would expect Wal-Mart to have fewer violations proportionately of wage and hour and OSHA laws than Dave's Hardware because Wal-Mart has enough resources that one would expect them to be more sophisticated in dealing with those things.

Motion was made by Darrell Hanson to refer Swine Graphics to the Attorney General. Seconded by Rita Venner. Motion carried unanimously.

REFERRED

Jon Tack said in the case of Scott Friesth the Department is requesting that the referral be withdrawn, he is now in compliance and the only remaining issue is the penalty settlement for which over the past few months Mr. Friesth has been in frequent contact with the Department.

Terry Townsend said this item needed to be removed from the table.

Motion was made by Rita Venner to remove the case for Mr. Scott Friesth from the table. Seconded by Lori Glanzman. Motion carried unanimously.

REMOVED FROM THE TABLE

REFERRAL WITHDRAWN

FINAL RULE – CHAPTER 65 - ANIMAL FEEDING OPERATIONS – MANURE MANAGEMENT PLAN DEADLINE

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Adopted and Filed rulemaking notice to amend chapter 65, "Animal Feeding Operations," 567 Iowa Administrative Code. The purpose of this amendment is to impose a deadline to qualify for the exception allowing an owner of a confinement feeding operation to remove and apply manure from a manure storage structure in accordance with a manure management plan that has been submitted but not yet approved by the department of natural resources. Under this amendment, manure management plans must be submitted to the department of natural resources prior to September 18, 2001 to qualify for the exception; manure management plans submitted on or after that date would have to be approved by the Department of Natural Resources before manure could be removed from a manure storage structure.

The Legislative rules review committee recommended that this rule be established in order to provide a date certain for existing animal feeding operations to have their manure management

plans submitted to the department. A hearing was held on July 3, 2001. No public comments were submitted at the hearing.

Originally the cutoff date was proposed as August 21, 2001, and we intended to bring this item for adoption to the August Commission meeting. However, because of an administrative oversight this item was not included on the Commission agenda for August. As a result the cutoff date is now established as September 18, 2001. As a result of this rule proposal, approximately 150 new manure management plans were submitted to the department in July and August of this year.

(A copy of the final rule is available in the Department's Record Center.)

Mike Valde said this is the final adoption of a rule that will put a deadline on the automatic extensions for the approval of a manure management plan.

Motion was made by James Braun to approve the final rule as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

AMENDMENT TO SFY 2002 DNR/UHL AIR QUALITY BUREAU SUPPORT CONTRACT

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached amendment to the interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). This consolidates contracting for professional assistance provided to the Air Quality Bureau. The UHL agreement currently provides UHL support of Air Quality Bureau activities including ambient air monitoring, stack test observation, and asbestos sample analysis.

Contracting services were previously provided by Merit Resources Inc. The general services with Merit Resources expires December 27, 2001 and will not be renewed. To continue the level of service and support for regional modeling, ambient monitoring, emissions inventory, and program development, eight contract positions will be transferred to UHL. The cost for providing those services at UHL will be \$294,410. With the termination of the Merit Resources contract the actual cost of making this change will be in the form of additional UHL administrative and benefits costs totaling \$40,810. \$16,000 of that cost will be covered by funds budgeted for, but not expended, in the Merit Resources Contract. The remainder will be covered by reductions in the existing budget.

The existing contract total of \$1,713,690 will be increased by \$294,410. The amended contract total is \$2,008,100.

(A copy of the contract is available in the Department's Record Center.)

Mike Valde said he spoke with the University Hygienic Lab and there are still some issues to be worked out on this contract. So they would like to remove it from the agenda at this time.

ITEM REMOVED FROM AGENDA

2001 LABORATORY CERTIFICATION AGREEMENT – UNIVERSITY HYGIENIC LABORATORY

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract with the University of Iowa's Hygienic Laboratory (UHL) for environmental laboratory certification services for 2002.

Analytical data to demonstrate compliance with Department programs must be from certified laboratories. The Department administers a laboratory certification program that assures laboratories performing analytical work meet relevant analytical standards and are qualified to analyze samples. The UHL assists the Department in this regard by conducting on-site visits and evaluations of laboratories requesting certification or re-certification. Program areas covered by the laboratory certification program include drinking water, wastewater, and underground storage tanks.

The proposed contract will continue this agreement with UHL.

The amount of the agreement is estimated at \$133,650 which is an increase from the 2001 contract (\$115,000). This estimated increase is due to the increase in the number of labs that will need to be certified or re-certified during the contract year. The certification fees paid by laboratories are used to cover the cost of the contract and no state or federal funds are used.

Proposed changes to the laboratory certification rules are currently being developed by staff to increase the laboratory certification fees and to incorporate certification requirements for laboratories conducting solid waste and contaminated site sample analyses. The current fee structure is not adequate to support the full cost of the program and it is likely this contract will be amended later in the contract year to reflect these changes if the changes are adopted by the Commission. Commission approval will be sought for any such changes to the contract.

Mike Valde said the certification process is done by University Hygienic Lab for programs including Drinking water, Wastewater, Underground Tanks and this is a contract to provide that they will continue with an increased cost of about \$18,000 because there will be more labs to certify or renew the certifications. The labs pay certification fees and the cost of the lab certification is built into their fees so that it is a self-supporting program.

<i>Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Kelly Tobin. Motion carried unanimously.</i>

APPROVED AS PRESENTED

DATA SERVICES CONTRACT – NPDS SYSTEM CONVERSION AND UPGRADE

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract to convert the existing mainframe-based NPDES permit database to a PC-based system and to make other upgrades. The proposed contract is with Computing Solutions, Inc. (CSI) for \$220,708. EPA grant funds will be used for the contract.

Ten proposals were received in response to the Department's request for proposals. A review committee evaluated the proposals and conducted follow-up interviews with four firms. CSI was the selection committee's unanimous choice for the project.

The contract will provide the services needed to implement the recommendations of a preliminary study that identified needed improvements to the existing database used to manage the NPDES permit program. Planned improvements include converting the mainframe-based database to a PC-based system, capabilities for electronic uploading and transfer of compliance monitoring data, "user-friendly" query and reporting options, and various other improvements that will result in a more efficient permit program. The current mainframe system is cumbersome and, most critically, is dependent on obsolete hardware. The CSI proposal is well within estimates for the work and federal funds have been approved for this use.

Mike Valde briefed the Commission on the contract.

Kathryn Murphy asked where CFI fell within the proposal cost wise.

Jack Riessen said he is unsure where it fell because he was not on the committee. He said when these proposals are reviewed they look at several factors although price is one of the criteria it may not be the most important. They had estimated at least \$300,000 to do this project.

Kathryn said she thought that it was important that in the future the Commission be given that type of information to help them to make their decision.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report

6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Commission	Notice Published	A R C #	Rules Review Committee	Hearing	Comment Period	Final Summary To Commission	Rules Adopted	Rules Published	A R C #	Rules Review Committee	Rule Effective
1. Ch. 1, 9 and 11 - EPC Quorum Voting Requirements	9/17/01	*10/17/01		*11/05/01			*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
2. Ch. 13 - Waiver Rules	2/19/01	3/21/01	0 5 7 3 B	4/06/01	-----	4/10/01	9/17/01	*9/17/01	*10/17/01		*11/05/01	*11/21/01
3. Ch. 20, 22 - Air Quality Rules	5/21/01	6/13/01	0 7 3 6 B	7/10/01	7/19/01	7/27/01	*10/22/01	*10/22/01	*11/14/01		*12/03/01	*12/19/01
4. Ch. 22 - Revised Deadline for Timely Submittal of Title V Permits	9/17/01	*10/17/01		*11/05/01			*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
5. Ch. 22 - Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	*10/17/01		*11/05/01			*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
6. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	*10/22/01	*11/14/01		*12/03/01			*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
7. Ch. 60 - Wastewater Treatment and Disposal	*10/17/01	*11/14/01		*12/03/01			*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
8. Ch. 60, 62, and 63 - Update Pre-treatment Standards to Remain Current with Federal Regulations							9/17/01	*9/17/01	*10/17/01		*11/05/01	*11/21/01
9. Ch. 61 - WQ Standards	1-16-01	2/07/01	0 4 7 0 B	3/09/01	2/20,22, 26; 3/2/01	2/14/01	8/20/01	8/20/01	*9/19/01		*10/02/02	*10/24/01
10. Ch. 64, 65 - Operation Permit Required	*10/22/01	*11/14/01		*12/03/01			*1/22/02	*1/22/02	*2/09/01		*3/04/02	*3/13/02
11. Ch. 65 - Pre-Construction Manure Management Plan Requirements	8/20/01	*9/19/01		*10/02/01	10/17/01	10/17/01	*11/19/01	*11/19/01	*12/12/01		*1/08/02	*1/16/02
12. Ch. 65 - Newly Submitted Manure Management Plan	5/21/01	6/13/01	0 7 3 1 B	7/10/01	7/03/01	7/03/01	9/17/01	*9/17/01	*10/17/01		*11/05/01	*11/21/01
13. Ch. 65 - Iowa Open Feedlot Registration Program	6/18/01	7/11/01	0 8 1 8 B	8/07/01	7/31/01	7/31/01	8/20/01	8/20/01	*9/17/01		*10/02/01	*10/24/01
14. Ch. 102 - Permits - Emergency Response and Remedial Action Plans (ERRAP)	5/21/01	6/13/01	0 7 3 4 B	7/11/01	7/05/01	7/05/01	8/20/01	8/20/01	*9/19/01		*10/02/01	*10/24/01
15. Ch. 118 - Removal of Disposal of PCBs from Appliances Prior to Processing	4/16/01	5/16/01	0 6 6 8 B	6/05/01	6/05/01	6/05/01	*10/22/01	*10/22/01	*11/14/01		*12/03/01	*12/19/01
16. Ch. 119, 144, 210, 211, 212 & 214 - Waste Management Asst. Division Rule Revisions	9/17/01	*10/17/01		*11/05/01			*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
17. Ch. 132 - Transportation of Radioactive Materials In Iowa	*10/22/01	*11/14/01		*12/03/01			*1/22/01	*1/22/01	*2/09/02		*3/04/02	*3/13/02
18. Ch. 134 - Certification of Groundwater Professionals	9/17/01	*10/17/01		*11/05/01			*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
17. Ch. 135 - Technical Standards and Corrective Action Requirements for Owners/Operators of USTs	9/17/01	*10/17/01		*11/05/01			*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02

Item No.	Facility	Program	Engineer	Subject	Decision	Date
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1	ALCOA-Bettendorf	Air Quality		Permit Requirements	Approved	08/15/01
2	Bertch Cabinet Mfg., Inc.-Waterloo	Air Quality		Permit Requirements	Approved	08/01/01
3	Farmers Cooperative-Lanesboro	Air Quality		Structures	Denied	08/06/01
4	Monsanto Company-Grinnell	Air Quality	Svedrup Civil	Permit Requirements	Approved	08/16/01
5	Sheaffer Mfg. Co, LLC-Fort Madison	Air Quality		Permit Requirements	Approved	08/07/01
6	Strawberry Point Utilities-City of Strawberry Point	Air Quality		Permit Requirements	Approved	08/06/01
7	Wapsie Produce, Inc.-Decorah	Wastewater Operation		Monitoring Frequency	Approved	08/24/01
8	Cedar Rapids Water Department Lime Sludge Landfill-Closed	Solid Waste	Bruce A. Jacobs, Cedar Rapids Water Department	Groundwater Monitoring	Approved	08/20/01

During the period August 1, 2001, through August 31, 2001, 93 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	60 (62)	3 (6)	42 (48)	14 (5)	22 (32)	32 (23)	0 (1)	1 (2)	1 (0)	4 (4)
November	57 (64)	4 (10)	39 (38)	14 (15)	19 (26)	32 (30)	0 (1)	4 (3)	1 (1)	1 (3)
December	44 (67)	0 (10)	28 (40)	16 (17)	10 (23)	31 (34)	0 (1)	1 (4)	0 (0)	2 (5)
January	55 (41)	7 (4)	36 (27)	12 (9)	13 (13)	33 (24)	0 (1)	0 (0)	0 (0)	9 (3)
February	58 (65)	0 (3)	43 (32)	15 (30)	14 (14)	36 (48)	0 (0)	4 (0)	1 (1)	3 (2)
March	80 (96)	3 (20)	55 (64)	22 (12)	21 (43)	48 (45)	1 (2)	2 (0)	2 (0)	6 (6)
April	126 (112)	32 (39)	71 (42)	23 (31)	35 (38)	78 (63)	3 (0)	4 (0)	1 (3)	5 (8)
May	111 (97)	24 (25)	65 (59)	22 (13)	28 (38)	71 (53)	3 (0)	3 (2)	1 (0)	5 (4)
June	92 (96)	17 (11)	59 (62)	16 (23)	25 (27)	58 (59)	1 (1)	3 (0)	0 (0)	5 (9)
July	69 (99)	7 (4)	51 (76)	11 (19)	19 (20)	38 (66)	0 (3)	2 (6)	1 (2)	9 (2)
August	93 (75)	12 (4)	62 (57)	19 (14)	19 (20)	58 (49)	4 (0)	4 (1)	1 (0)	7 (5)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

Total 845 (874) 109 (136) 551 (545) 184 (188) 225 (294) 515 (494) 12 (10) 28 (18) 9 (7) 56 (51)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
11	8	12	8	38	16

*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown and Other.

During the period August 1, 2001, through August 31, 2001, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	5 (6)	0 (0)	2 (3)	2 (2)	1 (1)	4 (6)	1 (0)	0 (0)	0 (0)	1 (2)
November	3 (4)	0 (0)	2 (2)	1 (1)	0 (1)	3 (3)	0 (1)	0 (0)	0 (0)	1 (0)
December	2 (2)	0 (0)	1 (1)	1 (1)	0 (0)	2 (1)	0 (1)	0 (0)	0 (0)	0 (0)
January	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	4 (1)	0 (0)	4 (1)	0 (0)	0 (0)	4 (1)	0 (0)	0 (0)	0 (0)	2 (1)
March	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
April	6 (1)	0 (0)	3 (1)	0 (0)	3 (0)	5 (1)	1 (0)	0 (0)	0 (0)	0 (0)
May	3 (1)	0 (0)	3 (1)	0 (0)	0 (0)	3 (0)	0 (1)	0 (0)	0 (0)	0 (1)
June	2 (0)	0 (0)	2 (0)	0 (0)	0 (0)	2 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	2 (2)	0 (0)	1 (2)	1 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)	1 (1)
August	2 (3)	0 (2)	1 (1)	0 (0)	1 (0)	2 (3)	0 (0)	0 (0)	0 (0)	1 (3)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	32 (20)	0 (2)	21 (12)	6 (4)	0 (0)	29 (17)	3 (3)	0 (0)	0 (0)	6 (8)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	1	0	0	0

Name, Location and Field Office Number	Programs	Alleged Violation	Action	Date
Bob Luke, Washington Co. (6)	Air Quality Solid Waste Wastewater	Fugitive Dust; Illegal Disposal Operation Without Permit	Order/Penalty \$4,000	8/03/01
Lawrence Korver d/b/a Korver Development Co., Sioux Co. (3)	"Bub" Wastewater	Operation Without Permit	Amended Order	8/03/01

Louisa County Regional Solid Waste Agency, Wapello (6)	Solid Waste	Comprehensive Planning Violations	Order/Penalty \$1,250	8/17/01
Jerry Feilen and Rick Bain, Pottawattamie Co. (4)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$4,000	8/17/01
Sunrise Dairy Farms, LLC, Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge – Confinement; Failure to Report a Release; Failure to Update a MMP; Uncertified Applicator; Water Quality Violations – General Criteria	Referred to AG	8/20/01
Osceola, City of (5)	Wastewater	Compliance Schedule; Operational Violations	Consent Amendment	8/24/01
Ajinomoto USA, Eddyville (5)	Air Quality	Construction Without Permit	Consent Amendment	8/30/01
Quality Mat Co., Inc., Waterloo (1)	Air Quality	Other	Consent Order	8/30/01
Corn Beef Ltd., Winneshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Order/Penalty \$3,000	8/30/01
Empire Land and Cattle, Inc., Crawford Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria; Operating Without a Permit	Order/Penalty \$3,000	8/30/01
Mark Broderick, Redfield (5)	Wastewater	Operation Without Permit; Pollution	Order/Penalty \$4,000	8/30/01

		Prevention Plan		
Warren County (5)	Wastewater	Failure of County to Implement Private Sewage Disposal Program	Order	8/30/01
Gold-Eagle Cooperative, Wright Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$5,000	7/17/01
Galva, City of (3)	Wastewater	Monitoring/Reporting; Operational Violations; Certified Operator	Order/Penalty \$1,000	7/17/01
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits; Operational Violations	Order/Penalty \$1,000	7/17/01
Earlham, City of (5)	Wastewater	Compliance Schedule; Discharge Limits; Operational Violations	Order/Penalty \$10,000	7/17/01
Long Branch Maintenance Corp., Adair Co. (4)	Wastewater	Construction Without Permit; Monitoring/Reporting; Compliance Schedule; Operational Violations	Order/Penalty \$5,000	7/17/01
Lincoln, City of (5)	Wastewater	Prohibited Discharge, MIP	Amended Order	7/17/01
Northwest Iowa Area Solid Waste Agency, Sheldon (3)	Solid Waste	Comprehensive Planning Violations	Order/Penalty \$4,000	7/24/01
ABC Systems, Inc., Hiawatha Co. (1)	Disposal Solid Waste	Operation Without Permit	Order/Penalty \$5,000	7/24/01

The following administrative penalties are due:

Name/Location	Program	Amount	Due Date
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Lorene Logue (Lucas Co.)	AQ/SW	125	3-15-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,250	5-15-01
#*Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	1,200	6-05-01
Denny Wessels d/b/a Denny Wessels Transport (Bancroft)	UT	900	6-05-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
* Seven Ponds Park (Sperry)	WS	100	6-15-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
* Edward Degeus (Britt)	AQ	1,000	7-01-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	6,000	7-18-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
* Top of Iowa Cooperative (Hanlontown)	AQ	500	9-01-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	9-01-01
Kay Enterprises, Inc. (Janesville)	AQ	5,000	9-03-01
* Michael Roberts (Page Co.)	AQ	150	9-15-01
Minnesota Rubber Company (Mason City)	AQ	3,000	9-30-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Quality Mat Co., Inc. (Waterloo)	AQ	8,500	12-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	----
Carpenter Bar & Grill (Carpenter)	WS	100	----
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	----
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000	----
Ward Land Development LLC; WBD, Inc.; W. David Ward	WW/FP	2,500	----

Wisconsin North dba National Petroleum (Clinton)	UT	1,000	----
Louisa County Regional Solid Waste Agency	SW	1,250	----
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	----
Mark Broderick (Dallas Co.)	WW	4,000	----
# Corn Beef, Ltd. (Winneshiek Co.)	AFO	3,000	----
# Empire Land and Cattle Co. (Crawford Co.)	AFO	3,000	----
Bob Luke (Washington Co.)	AQ/SW/WW	4,000	----
Butler County	AQ	1,000	----
TOTAL		184,455	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
West Liberty, City of	WW	5,000	
TOTAL		173,354	

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The following administrative penalties have been appealed:

Name and Location	Program	Amount
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Pathway Christian School (Kalona)	WS	500
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnice King (Marion Co.)	AQ/SW	1,600
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Bradyville, City of	WW	3,500

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Westbrooke Construction Co.; Speer and Lepic (Polk Co.)	WW	4,000
Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	5,000
John Saathoff (Grafton)	AQ	500
Don Anderson; Brentwood L.L.C. (Polk Co.)	WW	8,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Casey's General Stores, Inc. (Aplington)	UT	2,500
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Envirobate Management Services (Johnston)	AQ	3,000
Jefferson, City of	WW	5,000
Onawa Country Club (Onawa)	WS	1,500
James Kitchen d/b/a Kitchen Construction (Howard Co.)	AQ/SW/FP	10,000
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Dostal Construction, Inc. (Tama Co.)	AQ/SW	4,500
Used Tire Sales & Service (Webster Co.)	SW	10,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Farmland Industries, Inc. (Manson)	UT	6,000
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
James A. Six (Washington Co.)	AFO	1,500
Charles Hagedorn dba Hagedorn Construction (Dickens)	AQ	1,000
Lester Davis (Polk Co.)	AQ	1,100
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Circle Hill Farms, Ltd. (Hamilton Co.)	WW	3,000
Clinton, City of	WW	1,000
Earlham, City of	WW	10,000
Northwest Iowa Area Solid Waste Agency (O'Brien Co.)	SW	4,000
TOTAL		485,130

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Grace Community Church (North Liberty)	WS	500
Martin Marietta Material, Inc. (Ames)	AQ	4,000
CF Processing, L.C. (Creston)	AQ	10,000
Melsha Tap, Inc. (Swisher)	WS	300
Cliff's Place, Inc. (Waverly)	WS	300
Kinderland, Inc. (Dubuque)	WS	800
McDonald Construction, Inc.; Dwight McDonald (Eldora)	WW	1,000
Fligg Corp. d/b/a Controlled Asbestos (Mt. Pleasant)	AQ	2,000
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	5,000
* Michael Roberts (Page Co.)	AQ	75

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Forest City Cow Palace and Chuck Wagon Café (Forest City)	WS	100
Galva, City of	WW	1,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
Ajinomoto USA (Eddyville)	AQ	3,500
Shell Rock Products, Inc. (Milford)	AQ	10,000
Bettendorf, City of	WW	500

TOTAL 42,575

The \$5,000 penalty assessed to the City of Osceola was waived.

Gold-Eagle Cooperative (Wright Co.) has paid a \$5,000 SEP to the Wright County Conservation Board.

The City of Charles City has paid a \$3,000 SEP to the Floyd County Conservation Board.

Name Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
10 th Hole Food & Spirits Calamus UPDATED	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing	3/19/01 8/20/01 9/05/01
Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Asbestos Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 2/04/02
Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Asbestos Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Bierman, Elaine and Kurt d/b/a Osterdock Store Guttenberg (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Public Notice	Order/Penalty	Referred	7/16/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5) UPDATED	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Trial Motion for Partial Summary Judgment Hearing	4/17/00 9/27/00 10/10/01 8/10/01 9/11/01
Larson, Daryl	Animal Feeding Operation	Freeboard	Referred to	Referred Petition Filed	5/17/99 11/02/00

Jones Co. (1) UPDATED		Cleanup Costs	Attorney General	Answer Motion for Summary Judgment Hearing	12/07/00 7/16/01 8/31/01
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Melsha Tap, Inc. Swisher (6) UPDATED	Drinking Water	Monitoring/Reportin g – Bacteria, Nitrate; public Notice	Order/Penalty	Referred Admin. Penalty (\$300)	7/16/01 8/02/01
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Sunrise Dairy Farms, LLC Benton Co. (1) NEW	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred	8/20/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred	7/16/01
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 10/04/01
Williams Pipeline Company LLC Waterloo/Dubuque/Milfor d (1, 3)	Air Quality	Construction Without Permit	Order	Referred	7/16/01

Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria	Order/Penalty	Referred	4/16/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3) UPDATED	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary Judgment Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Denying Defendant's Motion to Dismiss Trial Date	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/20/01 6/11/02
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3) UPDATED	Hazardous Condition	Site Access; Other	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction Denial of Defendant's Motion to Dismiss Temporary Injunction Granted Motion for Summary Judgment Hearing Order Granting Summary Judgment (Injunction) Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Rejecting Defendant's Motion to Dismiss	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00 11/07/00 11/07/00 2/20/01 4/27/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/06/01
Zook, Russell Haskins Recycling Ainsworth (6)	d/b/a Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Entry Default Order Granting Default (\$35,000/Civil; \$5,000/Admin. and Injunction)	5/17/99 9/12/00 2/19/01 6/11/01

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Tack	8/01 – EPA finalizing environmental easement pursuant to ROD. Easement will be reviewed to determine if registry listing continues to be appropriate.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. 2/5/01 – WW

						drafting new permit. 4/30/01 – WW contacted regarding status of new permit. Draft permit sent for City review and public notice on 4/19/01. 8/01/01 – Dept. permits section contacted concerning status of permit re-issuance. Comments from City on proposed permit have been received.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up scheduled for 10/01.
4/05/93	Mapleton, City of	4	WW Certification Operator	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal. 6/26/01 – Dept. permits section contacted concerning review of information supplied by City engineer. 7/01 – City referred for Admin. Order for wastewater violations.
9/09/94	American Coals Corp., Site (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Closure funds received. IDALS to hold funds and coordinate closure. Case closed.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. 3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott. 5/31/01 – FO contacted regarding appeal resolution.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. 4/30/01 – Status report requested from WW section engineer. 5/1/01 – Company engineer needs to provide further information to process permit. Engineer was contacted and agreed to provide requested information. 6/29/01 – Status report on permit issuance requested from Dept. WW engineer. 7/31/01 – Per WW permits section Dept. received modified proposal for land application on 6/20/01. Proposal under review. 8/27/01 – Dept.

						engineer requested more information. 8/30/01 – Draft permits prepared.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Closure funds received. IDALS to hold fund and coordinate closure. Case closed.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system expected to begin operation by 11/01/01.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule. 4/1/01 – City to begin work on Plan of Action. 10/31/01 – City to submit Plan of Action to Dept. for review.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. 5/1/01 – Letter to company attorney regarding settlement. 5/16/01 – Company attorney contacted Dept. to discuss appeal. 6/29/01 – Dept. follow-up letter to company's attorney. 7/20/01- Settlement offer received from company's attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. 4/01 – Received Tier 2.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Placed on state lead. Negotiating penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. 5/1/01 – Letter to City attorney regarding settlement. 5/30/01 – Follow-up letter sent to City attorney. 6/22/01 – Per telephone conversation with City attorney, Dept. settlement offer on city council agenda for 7/9/01. 8/1/01 – Letter sent to City attorney.

1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	4/01 – FO5 inspection. Facility is not in compliance. 6/01 – New order to be issued to facility. 8/30/01 – Awaiting Director's signature on order.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision. 8/1/01 – Letter to company concerning resolving remaining issue in appeal.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 6/28/01 – Letter to facility about resolving appeal. 7/12/01 – Settlement offer received from WS attorney. 7/19/01 – Letter sent accepting offer. Appeal to be closed upon receipt of penalty. 8/14/01– Penalty received. Closed.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal. 5/1/01 – Status report requested from WS section regarding compliance. 5/31/01 – Status report requested from WS section concerning compliance. WS section reports facility is in compliance with monitoring requirements. 6/25/01 – Per FO6 the WS is in compliance with MOR requirements and was operating/maintaining the chlorination system properly as of last inspection. 7/19/01 – Settlement offer sent to school. 8/22/01 and 8/30/01 – Discussions with school staff person regarding Dept. settlement offer and monitoring requirements. School accepted offer regarding penalty. Penalty to be mailed by 9/7/01.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.

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10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. 3/01 and 4/01 – Enforcement/settlement discussions among Dept. staff. 5/8/01 – Settlement offer sent to City attorney. 5/23/01 – Meeting held to discuss settlement offer. 6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	8/01 – Letter to facility attorney to see if they want to continue appeal.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 – Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	5/1/01 – City progressing on facility improvements. Will monitor for progress.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	8/2/01 – Settlement letter sent. Settlement payment due 11/1/01.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan. 8/01 – Penalty payment renegotiated – lump sum settlement due 10/15/01.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 – EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00.

						Record forwarded to Linn County Court and case given to the Attorney General. Judicial review briefs have been filed. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. AG will be handling appeal to Supreme Court. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Waiting for the Court's ruling on the motion.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer. 3/5/01 – Letter sent regarding resolution of appeal and Dept. position on appeal issues. 5/11/01 – Follow-up letter sent regarding appeal. 6/20/01 – Settled. Letter from company accepting Dept. proposal for resolving appeal. Amended permit to be issued 8/01. 8/21/01 – Dept. issued amended permit with cover letter closing appeal. Closed.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	6/29/01 – New MCL violations; letter sent regarding resolution. 8/30/01 – No response. Will send to DIA.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01. Payments are on schedule.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be place in administrative consent order. 1/29/01 – Consent order drafted and being reviewed by DNR staff. 3/28/01 – Dept. letter and consent order to City for signature. 5/01/01 – City contacted regarding status of Mayor signing consent order. 5/30/01 – Letter received from City engineer requesting revision of schedule in consent order. 6/27/01 – FO meeting with City concerning compliance status of facility. 8/1/01 – Letter and revised consent order to City for signature. 8/25/01 – Consent order signed by Director and issued. Dept. sent City joint motion to dismiss appeal to be signed and sent to ALJ.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.

11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Book	Settled. Consent amendment issued. Penalty payment schedule established and on schedule. 7/28/01 – FO letter regarding remaining penalty. Party given until 8/15/01 to respond. No response to date. Second letter to attorney regarding remaining portion of the penalty.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	5/31/01 – Facility upgrade is proceeding; will monitor progress.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	7/9/01 – Letter sent regarding settlement.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	5/31/01 – Permit close to being issued; penalty settlement will be discussed at that time.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order..
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Settled. 8/09/01 – Penalty payment received. Closed.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. 2/28/01 – Dept. received City's preliminary engineering report. 3/2/01 – Dept. letter requesting a schedule G be submitted to complete the report. 3/7/01 – Incomplete schedule G submitted. 3/8/01 – Dept. letter of comments and request that schedule G be resubmitted with required information. 3/9/01 – Revised schedule G submitted. 4/30/01 – WW permit section engineer completed review of revised preliminary engineering report and drafted comment letter. 5/1/01 – Comment letter sent to City by Dept. engineer concerning review of preliminary engineering report. 6/29/01 – Status report requested from WW permits engineer and WS section engineer. 7/5/01 – Response received from City engineer on Dept. letter on revised facility plan.
4/26/00	State Wide Metal Recycling, Inc.; Fred	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-

	Bovee					up to be completed after thaw.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Settled. 8/9/01 – penalty payment received. Closed.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Book	Settled. Consent amendment signed. 8/30/01--Penalty received. Closed.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. Facility will sign a consent order regarding payment. Expect signature by mid-August. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Hearing held 6/25/01. 7/6/01 - ALJ issued proposed decision affirming order. 8/30/01 – Penalty received. Closed.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party. New attorney retained by responsible party. Settlement negotiations resumed.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	5/01/01 – WS still not in compliance with all monitoring requirements. 5/01/01 – Sent to DIA to be set for hearing. 5/9/01 – Progress report on connection to alternate water source received. 5/11/01 – Hearing set for 7/3/01. 6/5/01 – Hearing continued to 9/3/01 to attempt to settle. 6/26/01 – WS has now connected to another water source and will request to be reclassified as a non-pws. 7/9/01 – Settled. Documentation provided regarding connection to alternate water source. Request for reclassification received. Facility needs to submit penalty payment and statement regarding what it will do with well. 8/14/01 Penalty received. 8/30/01 – Dept. letter and joint motion to dismiss sent to WS attorney to sign and send to ALJ requesting dismissal of appeal.
9/29/00	Charles City, City of	2	Admin. Order/Penalty	WW	Murphy	7/31/01 – Settled. 8/01 - \$3,000 SEP payment made to Floyd CCB. Case closed..

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10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 – Preliminary engineering report submitted.
10/03/00	Casey's General Store (Waukeg)	5	Admin. Order/Penalty	UT	Wornson	8/01/01 – Sent to DIA to be set for hearing.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	7/31/01 – Settled. Awaiting SEP payment.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/04/00	Krajicek, Inc. d/b/a Krajicek Bros.; Sara and Leonard Krajicek	4	Admin. Order/Penalty	AQ	Preziosi	Settled. 8/20/01 – Penalty received. Closed.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. 2/17/01 – WS to draft new permit to allow use of temporary pellet chlorinators until rural water becomes available. 5/1/01 – Permit status requested from WS section. 6/15/01 – Letter sent regarding appeal resolution. 7/6/01 – Letter sent by WS requesting that appeal be held in abeyance pending completion of connection to another water supply. 8/30/01 – Dept. letter to WS agreeing to hold appeal in abeyance until WS connected to alternate water source. Status report requested of WS regarding progress of connection to another source.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/01. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	8/16/01 – Sent to DIA. Hearing set for 10/23/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review.
11/17/00	McDonald Construction	2	Admin. Order/Penalty	WW	Tack	\$2,000 penalty settled for \$1,000; due 5/1/01. 8/14/01 – Penalty received. Closed.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference held 1/17/01. Settlement offer drafted. 2/14/01 – WS completed public notice of violations. 5/1/01 – Settlement offer discussed with attorney for WS. 5/22/01 – Counter offer by WS discussed with attorney. Letter to follow confirming discussion. 6/15/01 – Letter received from WS attorney regarding re-connection to Clive system. 8/31/01 – Follow-up to check on status of connection to alternate water source.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	6/20/01 – Sent to DIA.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Partial compliance. Negotiate penalty.
11/22/00	Fansteel-Wellman	4	Permit Conditions	SW	Tack	Partial compliance achieved. Hearing to be

	Dynamics					continued to allow completion of settlement negotiations.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	4/30/01 – FO4 contacted regarding appeal and facility compliance with order. 5/10/01 – Sent to DIA to be set for hearing. 6/27/01 – Meeting with City officials and attorney regarding settlement. 7/17/01 – FO 4 letter to City giving City until late 10/01 to further comply with order. 7/23/01 – Conference call with ALJ. Hearing rescheduled for 11/30/01. Petition due 11/5/01. 8/8/01 – FO4 letter to City concerning necessary operation and maintenance to return to compliance.
12/11/00	Westbrooke Construction Co.	5	Admin. Order/Penalty	WW	Murphy	Hearing set for 9/10/01.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	Hearing continued to 10/29/01.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.
12/27/01	West Central Cooperative		Permit Denial	AQ	Preziosi	8/30/01 – Settled. Awaiting penalty payment.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Book	Negotiating before filing.
1/22/01	Richard Bockes	5	Admin. Order/Penalty	AFO	Clark	6/27/01 - Amended order issued. 8/2/01 - Appeal withdrawn. Penalty to be paid on payment schedule. Closed.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Compliance achieved. Penalty settled for \$2,500 to be paid in 5 payments.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. Unable to locate Mr. Saathoff to discuss penalty. Letter sent. He has until 8/31/01 to respond or will request hearing on penalty. He had done some clean-up, some remains. Awaiting his response.
2/23/01	Don Anderson; Brentwood L.L.C.	5	Admin. Order/Penalty	WW	Murphy	8/30/01 – Verbal settlement.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	5/1/01 – FO5 contacted regarding settlement and compliance with order. 5/11/01 – Letter to City engineer regarding settlement of penalty upon completion of upgrade. 5/21/01 – City engineer letter stating they agree that Dept. could hold appeal in abeyance pending completion of upgrade. 6/01 – Dept. agreement to hold appeal in abeyance pending upgrade of facility.
3/22/01	Kay Enterprises, Inc.	1	Admin. Order/Penalty	AQ	Book	Settled. Facility has signed a consent amendment with reduced penalty. 8/01 - Director's signature received. Awaiting penalty payment.

3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	City is reviewing compliance options. Update due to Department 8/22/01.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	3/28/01 – WW permits contacted for information on appeal issues. 5/8/01 – City Clerk and operator contacted concerning appeal. 6/14/01 – City council meeting to consider approval of preliminary plan of action. 7/11/01 – Dept. received preliminary plan of action from City; under review by WW permits section and FO. 8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02.
3/28/01	Jefferson, City of	4	Admin. Order/Penalty	WW	Hansen	City to submit Plan of Action by 5/15/01. 5/01 – Plan of action received. 6/22/01 – Dept. settlement offer sent to City. 7/12/01 – Settlement offer received from City. 7/20/01 – Dept. accepted offer to do SEP in lieu of penalty. City to fund water quality monitoring project (\$1,500). 8/24/01 – Dept. letter to City accepting City's offer to do SEP and closing appeal. Closed.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements.
4/10/01	Casey's General Stores (Aplington)	2	Admin. Order/Penalty	UT	Wornson	Sent final notice to document compliance or referral to I & A.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
4/16/01	Forest City Cow Palace and Chuck Wagon Café	2	Admin. Order/Penalty	WS	Hansen	4/10/01 – Discussion with café owner regarding appeal procedures and settlement. 5/18/01 – Facility sampled 1 st quarter 2001; returned to compliance. 6/20/01 – Dept. settlement offer sent to facility. 7/31/01 – Letter sent regarding resolution of appeal. 8/24/01 – Penalty received. Closed.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/03/01	Harlan Municipal Utilities (Hallett)	4	Water Use Permit	WR	Clark	Hearing date set for 9/5/01.
5/04/01	EnviroBate Management Services	5	Admin. Order/Penalty	AQ	Book	8/01 – Met with facility. Will be working on consent amendment with the company over the next few weeks.
5/07/01	James Kitchen; Kitchen Construction	1	Admin. Order/Penalty	SW/AQ/FP	Tack	Settlement offer sent 7/18/01. Counter offer received on 7/30/01.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.

5/10/01	Hackert's Wood Products, Inc.	6	Permit Denial	FP	Clark	Negotiating before filing.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	Negotiating before filing.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	6/6/01 – Settlement proposal; on hold pending compliance determination.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	6/22/01 – Letter sent regarding settlement; compliance visit will be made.
5/30/01	Fligg Corp. d/b/a Controlled Asbestos	6	Admin. Order/Penalty	AQ	Book	Settled. Facility has signed consent amendment and will pay a reduced penalty. Awaiting Director's signature and penalty payment. 8/08/01 – Penalty received. Closed.
6/08/01	Marshalltown, City of	5	Permit Conditions	WW	Hansen	Settled. Dept. issued permit amendment. 8/16/01 – Letter received from City withdrawing appeal. Closed.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/25/01	Used Tire Sales & Service, Inc.	2	Admin. Order/Penalty	SW	Tack	Discovery served by Dept. Response due 8/16/01.
6/27/01	Dostal Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 7/18/01.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	Negotiating before filing.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	Farmland Industries, Inc. (Manson Ampride)	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/13/01	Charles Hagedorn	3	Admin. Order/Penalty	AQ	Book	Meeting to be arranged.

7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/25/01	James A. Six	6	Admin. Order/Penalty	AFO	Clark	8/21/01 – Settlement letter sent. 9/1/01 – Settlement payment due.
7/31/01	Circle Hill Farms, Ltd.	2	Admin. Order/Penalty	WW	Murphy	New case. 8/21/01 – Settlement offer sent.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	New case. Informal settlement reached.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	New case. 8/23/01 – Sent to DIA.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	New case. Meeting held 8/29/01. Negotiations continue.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	New case.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	New case.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	New case. Informal meeting scheduled for 9/12/01.
8/24/01	Northwest Iowa Area Solid Waste Agency	3	Admin. Order/Penalty	SW	Tack	New case.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	New case.

During the period August 1, 2001 through August 31, 2001, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4	1.4	4	0(0)
November	1(0)	10	0.001	1	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.33	.04	0	1(0)
September					

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	2	1	0	2	2

Mike Valde briefed the Commission on the monthly reports.

James Braun said there were nine wastewater bypasses and the gentleman from Swine Graphics said the city was forced to stop discharging because of high bacteria counts. He asked how often it happened.

Mike Valde said he didn't know how often cities are forced to stop discharging, if they are bypassing they can be forced to stop bypassing, but most NPDES permits for cities, unless they are discharging into a class A water do not require disinfection and do not have any limits on fecal coliform counts.

Gary Priebe asked if the cities have a fish kill when they discharge.

Mike Valde said no because fecal coliforms does not impact the fish. The limits that are imposed on cities are intended to protect the water quality standards, which will protect the living organisms.

Gary Priebe asked if the bypasses referred to in the report were accidental or intentional.

Mike Valde said it could be either.

Gary Priebe then they are allowed to bypass raw sewage.

Mike Valde it is probably diluted but not always. The wet weather bypasses are not on these reports.

Gary Priebe asked why there was not a fine for cities that bypass.

Mike Valde the Department has issued penalty orders to cities.

Gary Priebe said it does not happen very often.

Jeff Vonk asked Gary Priebe if he thought the Department should be fining cities more often.

Gary Priebe said he didn't know he was simply trying to determine if the Department used two sets of criteria for spills and bypasses.

Jeff Vonk said he felt that was a legitimate question and that Mike Valde would have an answer for him at the November meeting.

James Braun said if the goal is to clean the waters of the state all sources of pollution have to be looked at.

INFORMATION ONLY

FUTURE WASTE TIRE MANAGEMENT ISSUES IN IOWA

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Waste Tire Issues

Iowans generate over 3 million waste tires every year. That equals more than one tire, per person, per year, with an equivalent weight of 30,000 tons. As the number of vehicles on our roadways continues to grow, and annual mileage traveled by vehicle owners increases, so will the number of waste tires that must be dealt with once they have served their original purpose. Disposal options for old tires are limited, as landfills do not accept whole tires. Recycling options and markets for tires continue to be challenging.

The Legislature and the Department have made great efforts to address tire management issues, and much has been accomplished; however, these initiatives are set to “sunset” next year, and unless we learn from Iowa’s recent tire management lessons and experiences, we could well again be faced with tire problems.

This brief will explore some of the waste tire issues that will remain, with suggestions on future management strategies.

Recent Tire Initiatives

In 1996 The Iowa General Assembly passed legislation (HF2433), establishing a waste tire management fund, with a total of \$15 million to be allocated to the Department over six fiscal years (1997-2002). These funds were to be used for the development of programs to encourage the proper management of waste tires by citizens, to expand end-use markets for products produced from waste tires, and to clean up waste tire stockpiles that pose a threat to the environment and public health and safety.

As the Department prepares to complete the programs established under the tire fund by June 30, 2002, the impacts of these programs are readily evident:

- Over 10 million tires were contained in waste tire stockpiles across Iowa. 8.1 million of those tires have been removed, with the rest of the known sites scheduled for cleanup before June of 2002.
- 96 Iowa counties have sponsored citizen waste tire collection events over the last six years, recovering another 3.5 million tires from ditches, alleys, and backyards.

- Public education on proper tire disposal has been conducted at the local level, including cooperative counties developing the “Iowa Tire Initiative” to reach citizens through television, radio, and other media on a statewide level.
- In-state markets for processed tires have become more diverse through financial incentive programs. More than 1.2 million shredded tires will be used this year alone in civil engineering projects across Iowa.

Even with the success of these programs, many questions on the future of proper tire management in Iowa remain.

Future Tire Management Concerns

- Tire dealers are not required to accept waste tires from the public. This is where the waste tire first appears, and it is the best time to have a proper disposal option available. If the waste tires go home with the customer, often they do not end up in proper management channels.
- Consumers often make choices that do not reflect proper waste tire disposal. Too often consumers improperly store waste tires, discard them in ditches and ravines, or improperly burn or bury tires, causing environmental harm.
- Public awareness on proper waste tire management. Proper waste tire management begins with consumers understanding the best practices for managing their waste tires, as well as a clear explanation of the risks and harm from improper disposal.
- Waste tire markets in Iowa continue to be a challenge. Last year more than 4 million waste tires were consumed by Iowa end-use markets; this year it is expected that less than 2 million tires will be consumed, as the state’s largest end-user of tire-derived fuel has discontinued this use. Iowa needs more end-uses for processed tires.
- Many public health epidemics are being spread by tire stockpiles. The West Nile Virus, deadly to humans, is commonly spread by at least one species of mosquitoes that breed in tires. West Nile was first detected in New York in 1999. Already it has spread west and south to nine other states. Prevention will include careful monitoring of the spread of the disease and elimination of improperly stored tires that can harbor mosquitoes.
- Ongoing enforcement and compliance assistance is needed. Field office staff continue to see problems with how citizens manage waste tires, and although smaller in number, tire stockpiles are still being discovered or reported periodically. Staffing and funding must be available to actively seek enforcement and assistance in abating these environmental nuisances.

Solutions and Directions

Some simple changes in waste tire management practices and procedures, combined with sufficient oversight and direction of the waste tire stream, can ensure that Iowa builds upon its initial success in heading tires in the right direction.

Legislative considerations for waste tire management:

- Mandatory “take back” by tire dealers of waste tires, with disposal costs built into the price of the tire.
- Public education on proper disposal and ‘awareness campaign’ for any law change
- Continued funding incentives for the development of in-state waste tire markets
- Funding for public health studies and monitoring of impact of tires as habitats for disease vectors
- Funding for compliance inspections, program coordination, and clean up assistance at tire stockpile sites that may as of yet be discovered or come into non-compliance.
- Estimated annual costs for implementation of these programs would be approximately \$1.25 million per year. The previous Waste Tire Management Program had an average of \$2.5 million allocated annually.
- Potential funding source could remain from revenues generated in the Road Use Tax Fund; the Waste Tire Management Program previously received monies from the Fund.

In summary, as the current Waste Tire Fund is slated to “sunset” after the end of fiscal year 2002 (June 30th, 2002), consideration must be given to providing sufficient Department oversight for inspection, compliance, or assistance to prevent and abate further tire management problems in the future. With the progress that has been made to date with the current fund’s programs, it will be important to draft a future plan to ensure ongoing, responsible waste tire management for all of Iowa.

Liz Christiansen said before she introduces the next item she would like to answer Commissioner Murphy’s question regarding the public hearing for Chapter 119, 144, 210, 211, 212, and 214. She said the Department has that scheduled for November 22, from 9:00 a.m. to 11:00 a.m. at the Wallace Building.

Liz Christiansen said that in a continuing effort to keep the Commission informed about waste tire management issues in Iowa she has asked Mel Pins to put together an update. She said there are many things happening in tires this year because it is the last year of the tire program. She said that Mel Pins would be showing some video of the tremendous progress that Greenman is making at the Grell stockpile. She said there are also some Legislative considerations for tire management if the Department was to move ahead with working to reauthorize this tire bill.

Mel Pins, Environmental Specialist in the Land Quality Waste Management Assistance Division said there has been work in each quadrant of the State since May 1. In the last month alone over 400,000 tires were recovered from stockpiles in Iowa. That resulted in putting six more completed sites on the map. He showed some footage of the Grell stockpile showing the progress of the cleanup. He said once the Department completes this program in June of 2002, through all of their efforts they would have spent \$15,000,000. However once the stockpiles are gone Iowa still generates 3,000,000 tires per year. The Department needs to find a way to continue to effectively manage the tires. There has been a lot of good work done through this program but there are still a lot of issues to deal with. Some tire dealers at this time can tell customers that they do not want to take their old tires. There are some others might charge five dollars a tire for disposal because they don't want to mess with it. And then there are customers who don't want to pay even a reasonable fee for the disposal of their old tires. When the waste is generated and when it should be dealt with at this time is simply a good will system. He said even though markets in Iowa had continued to develop some new uses like using tire shreds for leachate systems in landfill, the largest market, Holnam cement in Mason City, recently discontinued burning tires, which was a market of 2,000,000 tires per year. He said he is hopeful that the market can come back. There have been some discussions about the original issuance of air permits, but while there is still some discussion with Federal EPA and Air Quality Bureau the Department cannot rely on that issue being resolved. If there are not good instate-based markets, Iowa has to rely more on out of state markets, which we have no control over. He said he did not want to preach gloom and doom but at the time he wrote the brief for the commission the West Nile Virus had been detected in 9 states. As of last Friday that count is up to 14 including Iowa. If it continues to travel at this rate Iowa could have a health epidemic because tires and mosquitoes go together well. Even a pile of 500 tires can breed millions of mosquitoes. He said he would therefore like to present to the Commission some things to discuss for legislative considerations. He said perhaps Iowa needs to look at a mandatory take back by tire dealers with them building their disposal cost into the cost of the tire. The Department needs to find a way to continue public education on tire issues and continue to fund some incentives for waste tire markets in Iowa. They would also like to see some funding for public health studies on monitoring West Nile, how it is spreading and how to stop it. The field offices are usually over budget on solid waste inspections and it is not an area that this slowing down so the Department needs to look at ways to support those people. He said he has figured some proposed costs for this, currently the Department has spent 2.5 million dollars per year for six years to clean up piles, promote markets, and give some free cleanup days to citizens. With about half that amount the Department can then take it to the next step working on the preventative side where they continue to develop markets and manage tires. He said potentially they could look at the road use tax fund for that funding, currently there is a five dollar fee added on to the motor vehicle fees and when this program is done that fee does not go away.

Kelly Tobin said he would like to commend Mel Pins on a job well done.

James Braun asked how many of the current stockpiles did Mel think would be cleaned up before the program sunsets.

Mel Pins said it is their intention to have all of the piles cleaned up. He said most the remaining known piles are small, which will only take a day to a day and a half each to clean it up.

INFORMATION ONLY

MEMORANDUM OF UNDERSTANDING ON THE NEGOTIATED OUTCOMES FOR DISCARDED CARPET

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department requests authorization for the Administrator of the Land Quality and Waste Management Assistance Division to sign the Memorandum of Understanding on the Negotiated Outcomes for Discarded Carpet on behalf of the State of Iowa.

Issue background

The Carpet and Rug Institute and the Minnesota Office of Environmental Assistance, on behalf of state governments participating in the Midwestern Workgroup on Carpet Recycling, signed a Memorandum of Understanding in January, 2001 to achieve the goal of a flexible and sustainable voluntary industry-led approach to reducing landfilled discarded carpet. With the signing of the Memorandum of Understanding, state governments and the carpet industry agreed to jointly develop the Negotiated Outcomes. The Negotiated Outcomes participants include carpet manufacturers, the Carpet and Rug Institute, fiber manufacturers, material suppliers, seven state governments (MN, IA, MD, NC, CA, OR, MA), US EPA, and non-governmental organizations (Northeast Recycling Council).

The Negotiated Outcomes group will establish goals for the reuse, recycling, waste-to-energy and use of cement kilns and landfilling of discarded carpet over a ten-year timeframe. To generate the goals, the Negotiated Outcomes group created study groups corresponding to each management method. The study groups used available information concerning the amount of carpet destined for each management method in 2001 as well as anticipated infrastructure and technological developments, pending solid waste policies and other factors that may impact the disposal of carpet. The Negotiated Outcomes group has met four times since March 2001 and will meet again in August 2001 to finalize goals.

The Carpet and Rug Institute provided data to serve as an estimated baseline for the amount of carpet discarded between 2002 and 2012. The Carpet and Rug Institute estimates that 4,678, 000 million pounds of carpet are to be disposed in 2002 with an escalation to 6,772,000,000 pounds by 2012.¹

Finalizing Diversion Goals

The Negotiated Outcomes group will hold a formal signing of the MOU and a press event at the National Recycling Coalition meeting in Seattle in October 2001.

Liz Christiansen said she does not have a memorandum of understanding to bring before the Commission because negotiations had broke down at the end of previous week. She said if they are able to finalize it in time for the next month agenda she will bring it back.

¹ The Carpet and Rug Institute estimates a 13 year replacement cycle for carpet as well as an average of 3.55 pounds per square yard,

ITEM WITHDRAWN

GENERAL DISCUSSION

Darrell Hanson said he believed that it would do people a favor when speaking to this Commission if there was a time limit. He said he believed that given unlimited time people become less persuasive.

Discussion followed regarding the possibilities.

NEXT MEETING DATES

Jeff Vonk asked if the Commission wanted an update on Air Quality. He said he will not have any new information for the Commission at that time but the Commission will have the opportunity to talk about the Iowa CCI petition.

It was decided that it would be put on the agenda.

ADJOURNMENT

Motion was made by Darrell Hanson to adjourn. Seconded by Gary Priebe Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 4:29 p.m., Monday, September 17, 2001.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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